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# SPEECHES

OF

# HENRY LORD BROUGHAM,

UPON QUESTIONS RELATING TO

PUBLIC RIGHTS, DUTIES, AND INTERESTS;

WITH

HISTORICAL INTRODUCTIONS,

AND

A CRITICAL DISSERTATION

UPON THE ELOQUENCE OF THE ANCIENTS.

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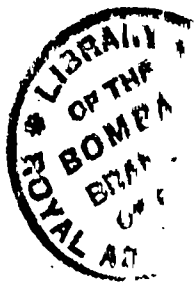
IN FOUR VOLUMES.

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# CONTENTS.


EDUCATION.

PAGE

Introduction, . . . . . 3
Letter to Sir Samuel Romilly upon the abuse of Charities, 17
Inaugural Discourse at Glasgow University, . . 69
Practical Observations on the Education of the People, 99
Address at the Manchester Mechanics' Institution, 153
Speech in reply to Mr. Peel's charge against the Education Committee, 1819, . . . . . 179
Speech on the Education of the People, 1835, . 215
Speech on moving the first reading of Bills on Education, 1837, . . . . . 271
Speech on Abolishing Subscription, . . . . 315

SCOTCH PARLIAMENTARY AND BURGH REFORM.

Introduction, . . . . . 343
Speech upon the Scotch Burgh Bill, . . 357
Speech on the English Municipal Corporation Reform Bill, . . . . . 387

Discourse on the Law of Marriage, Divorce, and Legitimacy, . . . . . 429

SCOTCH MARRIAGE AND DIVORCE BILL.

Introduction, . . . . . 450
Speech, . . . . . 456

POOR LAWS.

Speech on Moving the Second Reading of the Bill to Amend the Poor Laws, 1834, . . . . . 473
Speech on the Poor Laws, 1838, . . . . 527

ESTABLISHMENT OF THE LIVERPOOL MECHANICS' INSTITUTE.

PAGE

Introduction, . . . . . 569
Speech on Laying the Foundation Stone, . . . 577
Speech at the Dinner, . . . . . 581

SPEECH ON NEUTRAL RIGHTS, . . . . . 605

# SPEECHES

CONNECTED WITH

# EDUCATION.

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# INTRODUCTION.

CHARITY ABUSES—EDUCATION COMMITTEE—
SIR SAMUEL ROMILLY.

THE friends of Education had long been aware that there existed funds in England which ought to be applied towards the instruction of the people, and which were either diverted from that course, or were applied in a manner extremely inefficient, and very different from the intentions of those who had consecrated them to this pious use. The inquiries of the Education Committee of the House of Commons, appointed in 1816, were mainly directed to an examination of this very important subject. After continuing the investigation for some weeks, the Committee made a Report, in which the state and conduct of many schools founded by charitable persons in and near the metropolis was fully detailed, by means of an examination of the masters, trustees, and other persons entrusted with their management. The result of this inquiry was

such as brought to light a great body of curious and interesting information respecting those endowments; it also produced unquestionable proofs of many establishments for education being conducted in an unsatisfactory manner; and it begot the strongest suspicions that there existed misapplications of funds destined to Education, and generally of Charitable funds. Nothing further was done upon the subject in that Session; and the Committee was only revived in the Session 1817, to be adjourned, without further prosecuting the inquiry, after making a short Report, recommending a grant of money to unendowed schools.

In 1818, however, Mr Brougham again obtained the appointment of the Education Committee; and the impression left by the former proceedings remaining very strong and very general, their attention was first of all directed to the subject of Charity abuses. The investigation of this subject soon became as interesting as it was extensive. Many cases of very gross misapplication were discovered; and the inquiry affected persons of distinguished station, or rather the ancestors of such persons; for, after property originally destined to charitable uses had, during a long course of years, been applied to private enjoyment, in some cases suddenly, but in others by gradual encroachments, no heavy blame could attach to those who only continued in the practices handed down to them by their ancestors, and of the illegality of which they were probably themselves ignorant. But the interest excited by this investigation soon became so great, as to interfere with the other objects of the Committee's appointment; and every thing that related to the extension of Education, otherwise than by improving the application of endowments, was either

neglected, or lost in the anxiety to prosecute an inquiry which, detecting abuses of those endowments, promised to the curiosity or the malignity of the public, or the spirit of faction, the discovery of individual delinquency in persons of eminent condition. The inquiry was rendered more interesting, and indeed more important, by being extended to the Universities and the great Public Schools. Eton and Winchester were thus examined, notwithstanding the objections made by the parties, especially by those connected with St Mary Winton, who set up, in bar of all examination, the obligations of an oath not to reveal the secrets of the House. The Committee heard the objection, examined the oath, and found it to contain a saving clause,—"Nisi aliquâ necessitate cogente, seu utilitate suadente de quâ necessitate et utilitate, ipsi judicent," —whereupon the Committee intimated to the witnesses, that the necessity had arisen, and that it was expedient for them to decide upon complying therewith; but it also laid down as clear law, that, although there had been no such saving clause at all, the oath never could have protected them against answering whatever questions were put by a competent authority, such as a Court of Justice, or a Committee of either House of Parliament. The inquiry was further extended to Colleges in the Universities; and a school under St John's, Cambridge, was minutely examined, the abuses of which were such, that although in the early days of Mr Wilberforce and Mr Daniel Sykes, both educated there, it had flourished with above a hundred scholars, it had of late years only taught a single boy, the school-room being converted into a saw-pit. The Fellows of St John's being the visitors of this wealthy en-

dowment, of which they had the exclusive patronage, the utter neglect of their duty required investigation; and received it very fully, but very fairly, at the Committee's hands. Yet the outcry raised by calling the Head of a House before a Parliamentary Committee was inconceivable; and it was much increased by the reverend person himself happening to burst into tears, upon a very simple and very civil question being addressed to him in very respectful terms. It is needless to add, that this feeling soon extended itself to all the Colleges of both Universities; and as the dissolution of Parliament prematurely closed the proceedings of the Committee, every engine of influence and intrigue was put in motion to prevent a renewal of the inquiry next Session. The labours of the Committee, however, did not close without some most valuable information being obtained touching the state of education generally in the kingdom. Much evidence was examined on this point; and circulars having been addressed to every parish in England, Scotland, and Wales, the materials were afforded, by the answers, for preparing a digest representing the state of Education in every parish in the island. This valuable statistical document fills three folio volumes.

Notwithstanding the pains taken by all the Colleges and Public Schools, by all their numerous supporters in the Church, in the State, by members of both Houses of Parliament, all the creatures of the Court, and almost every member of the aristocracy, of what party soever, vying with each other in their zeal to protect time-honoured abuses, and to stifle irreverent inquiry, the Government found that the public voice would be too strong for them were they to resist

investigation, and therefore gave notice the second day of the next Session, of an immediate bill to extend the act of the last Session. That act, brought in through the exertions of the Committee, had appointed Commissioners to inquire concerning the abuse of charities connected with Education. The new act was to extend the inquiry to all charities, and to remedy certain important defects which had been pointed out in the former act. Mr Brougham had, in the course of the vacation, addressed a Letter to Sir Samuel Romilly, pointing out the defects of the act which the Ministers had passed, and in which they had refused to insert some of the provisions deemed by the Committee to be the most essential.

This sudden and not ill-contrived movement of Lord Castlereagh, of course prevented Mr Brougham from renewing his motion for re-appointing this Committee, and the Government bill was soon after introduced. But the important discussion on the Currency question upon Mr Peel's bill, for a while precluded all other discussions; and the Charity Abuse bill was postponed, with every thing else, until that measure had been passed, together with the financial arrangements fancifully supposed by Mr Abercromby, and one or two other Whigs, to be connected with it—persons who appeared often very fond of finding an occasion to vote with the Tory Government. The Charity Abuse bill was then at length brought forward, and Mr Brougham having been prevented from attending in his place for some weeks by a very dangerous illness, from which he narrowly escaped, was in the House merely to move an amendment, when the attack upon the Education Committee and its chairman was unex-

pectedly made, which drew forth the following reply in their defence. The question raised by Mr Brougham's opposition to the bill, related to the exemption of all Charities having special visitors, which was continued in this bill from the act of 1818. He insisted upon this exemption being now omitted, on the ground of the worst abuses having been found in specially visited charities. Lord Castlereagh persevered in supporting the exemption, upon which the cathedrals, the greater schools, and the colleges, although themselves specially exempted by name, set great store; and after a short statement of the reasons for and against the clause had been made, Mr Peel brought forward his attack upon the whole conduct of the Education inquiry, in an able and impressive speech; to which, of course, Mr Brougham replied. He was warmly supported by Mr John Smith, Mr Wilberforce, Mr Sheldon, Mr Frederick Douglas, and others, members of the Committee, who bore ample and impartial testimony to his courteous and fair conduct in the Chair; nor was there any one, on either side of the House, who did not confess that Mr Peel, not himself a member of the Committee, had been grievously misled by the misrepresentations of interested parties, to which he was peculiarly exposed from his position as member for the University of Oxford, the place in all the empire where the proceedings of the Committee had excited the greatest alarm.

To the speech made on this remarkable occasion, there is prefixed* the Letter addressed to Sir Samuel Romilly, upon the subject of Charity Abuses, in which

* This Speech ought to have followed the Letter above mentioned, but the printers have by mistake transposed it to page 181 of this volume.

he took an extraordinary interest, naturally heightened by his great experience in the cases connected with the subject that came before the courts of equity where he had so long reigned the undisputed chief. It is fit that this occasion should not be passed over of attempting faintly to sketch the character and endowments of so great and so good a man, for the instruction of after ages.

Few persons have ever attained celebrity of name and exalted station, in any country, or in any age, with such unsullied purity of character, as this equally eminent and excellent person. His virtue was stern and inflexible,—adjusted, indeed, rather to the rigorous standard of ancient morality than to the less ambitious and less elevated maxims of the modern code. But in this he very widely differed from the antique model upon which his character generally appeared to be framed, and also very far surpassed it, that there was nothing either affected or repulsive about him; and if ever a man existed who would more than any other have scorned the pitiful fopperies which disfigured the worth of Cato, or have shrunk from the harsher virtue of Brutus, Romilly was that man. He was, in truth, a person of the most natural and simple manners, and one in whom the kindliest charities and warmest feelings of human nature were blended in the largest measure with that firmness of purpose, and unrelaxed sincerity of principle, in almost all other men found to be little compatible with the attributes of a gentle nature and the feelings of a tender heart.

The observer who gazes upon the character of this great man is naturally struck first of all with its most prominent feature, and that is the rare excellence which we have now marked, so far above every gift of the

understanding, and which throws the lustre of mere genius into the shade. But his capacity was of the highest order; an extraordinary reach of thought; great powers of attention and of close reasoning; a memory quick and retentive; a fancy eminently brilliant, but kept in perfect discipline by his judgment and his taste, which was nice, cultivated, and severe, without any of the squeamishness so fatal to vigour—these were the qualities which, under the guidance of the most persevering industry, and with the stimulus of a lofty ambition, rendered him unquestionably the first advocate, and the most profound lawyer, of the age he flourished in; placed him high among the ornaments of the Senate; and would, in all likelihood, have given him the foremost place among them all, had not the occupations of his laborious profession necessarily engrossed a disproportionate share of his attention, and made political pursuits fill a subordinate place in the scheme of his life. *Jurisperitorum disertissimus, disertorum vero jurisperitissimus.* As his practice, so his authority at the bar and with the bench was unexampled; and his success in Parliament was great and progressive. Some of his speeches, both forensic and Parliamentary, are nearly unrivalled in excellence. The reply, even as reported in 11 *Vesey junior*, in the cause of *Hugonin* v. *Beasley*,* where the legal matters chiefly were in question, may give no mean idea of his extraordinary powers. The last speech which he pronounced in the House of Commons, upon a bill respecting the law of natural-

* A case exceedingly resembling this, *Macabe* v. *Hussey*, was argued in the House of Lords in October 1831, by Mr O'Connell, and his argument was a masterpiece, according to the judgment of all who heard it.

ization, which gave him occasion to paint the misconduct of the expiring Parliament in severe and even dark colours, was generally regarded as unexampled among the efforts of his eloquence; nor can they who recollect its effects ever cease to lament with tenfold bitterness of sorrow, the catastrophe which terminated his life, and extinguished his glory, when they reflect that the vast accession to his influence, from being chosen for Westminster, came at a time when his genius had reached its amplest display, and his authority in Parliament, unaided by station, had attained the highest eminence. The friend of public virtue, and the advocate of human improvement, will mourn still more sorrowfully over his urn than the admirers of genius, or those who are dazzled by political triumphs. For no one could know Romilly, and doubt that, as he only valued his own success and his own powers, in the belief that they might conduce to the good of mankind, so each augmentation of his authority, each step of his progress, must have been attended with some triumph in the cause of humanity and justice. True, he would at length, in the course of nature, have ceased to live; but then the bigot would have ceased to persecute—the despot to vex—the desolate poor to suffer—the slave to groan and tremble—the ignorant to commit crimes —and the ill-contrived law to engender criminality.

On these things all men are agreed; but if a more distinct account be desired of his eloquence, it must be said that it united all the more severe graces of oratory, both as regards the manner and the substance. No man argued more closely when the understanding was to be addressed; no man declaimed more powerfully when indignation was to be aroused or the feelings

moved. His language was choice and pure; his powers of invective resembled rather the grave authority with which the judge puts down a contempt, or punishes an offender, than the attack of an advocate against his adversary and his equal. His imagination was the minister whose services were rarely required, and whose mastery was never for an instant admitted; his sarcasm was tremendous, nor always very sparingly employed. His manner was perfect, in voice, in figure, in a countenance of singular beauty and dignity; nor was any thing in his oratory more striking or more effective than the heartfelt sincerity which it throughout displayed, in topic, in diction, in tone, in look, in gesture. "In Scauri oratione sapientis hominis et recti, gravitas summa, et naturalis quædam inerat auctoritas, non ut causam, sed ut testimonium dicere putares. Significabat enim non prudentiam solum, sed, quod maxime rem continebat, fidem."*

Considering his exalted station at the bar, his pure and unsullied character, and the large space which he filled in the eye of the country, men naturally looked for his ascent to the highest station in the profession of which he was, during so many years, the ornament and the pride. Nor could any one question that he would have presented to the world the figure of a consummate judge. He alone felt any doubt upon the extent of his own judicial qualities; and he has recorded in his journal (that invaluable document in which he was wont to set down freely his sentiments on men and things) a modest opinion, expressing his apprehension, should he ever be so tried, that men would

* Cic. *Brutus.*

say of him "*dignus imperio nisi imperasset.*" With this single exception, offering so rare an instance of impartial self-judgment, and tending of itself to its own refutation, all who had no interest in the elevation of others, have held his exclusion from the supreme place in the law, as one of the heaviest items in the price paid for the factious structure of our practical government.

In his private life and personal habits he exhibited a model for imitation, and an object of unqualified esteem. All his severity was reserved for the forum and the senate, when vice was to be lashed, or justice vindicated, the public delinquent exposed, or the national oppressor overawed. In his family and in society, where it was his delight, and the only reward of his unremitting labours, to unbend, he was amiable, simple, natural, cheerful. The vast resources of his memory,—the astonishing economy of time, by which he was enabled to read almost every work of interest that came from the press of either his hereditary or his native country, either France or England,—the perfect correctness of his taste, refined to such a pitch that his pencil was one of no ordinary power, and his verses, when once or twice only he wrote poetry, were of great merit,—his freedom from affectation,—the wisdom of not being above doing ordinary things in the ordinary way,—all conspired to render his society peculiarly attractive, and would have made it courted even had his eminence in higher matters been far less conspicuous. While it was the saying of one political adversary, the most experienced and correct observer*

* Mr Charles Long, afterwards Lord Farnborough.

among all the parliamentary men of his time, that he never was out of his place while Romilly spoke without finding that he had cause to lament his absence,—it was the confession of all who were admitted to his private society, that they forgot the lawyer, the orator, and the patriot, and had never been aware, while gazing on him with admiration, how much more he really deserved that tribute than he appeared to do when seen from afar.

If defects are required to be thrown into such a sketch, and are deemed as necessary as the shades in a picture, or, at least, as the more subdued tones of some parts for giving relief to others, this portraiture of Romilly must be content to remain imperfect. For what is there on which to dwell for blame, if it be not a proneness to prejudice in favour of opinions resembling his own, a blindness to the defects of those who held them, and a prepossession against those who held them not? While there is so very little to censure, there is unhappily much to deplore. A morbid sensibility embittered many hours of his earlier life, and when deprived of the wife whom he most tenderly and justly loved, contributed to bring on an inflammatory fever, in the paroxism of which he untimely met his end.

The Letter here printed was communicated in manuscript to him while attending the sick bed of that excellent person, whose loss brought on his own. It tended to beguile some of those sorrowful hours, the subject having long deeply engaged his attention; and it was the last thing that he read. His estimate of its merits was exceedingly low; at least he said he was sure no tract had ever been published on a more dry subject, or was likely to excite less attention. The in-

terest of the subject, however, was much undervalued by him; for the letter ran through eight editions in the month of October.*

That he highly approved of the labours of the Committee, however, and that the conduct of its Chairman shared fully in his approval, there can be no doubt. In the last will which he made, there is a warm expression of personal regard and a strong testimony to public merits, accompanying a desire that his friend would join with another whom he had long known intimately, and whom he consequently most highly and most justly esteemed, Mr Whishaw, in performing the office of literary executor. The manuscripts which he left were numerous and important. The most interesting are the beautiful Sketches of his early life, and the Journal to which reference has already been made. But his commentaries upon subjects connected with jurisprudence are those of the greatest value; for they shew that most of the reforms of which he maintains the expediency, have since his decease been adopted by the Legislature; and they thus form a powerful reason for adopting those others which he recommends, and which are not now less favoured by the general opinion of mankind, than were the former class at the early period when he wrote. The injunction to his friends contained in his will, was truly characteristic of the man. He particularly desired them, in determining whether or not the manuscripts should be published, only to

* The last book of any importance read by him was Mr Hallam's first great work, of which he justly formed the highest opinion, and recommended the immediate perusal of it to the author of the Letter, as a contrast to that performance, in respect of the universal interest of the subject.

regard the prospect there was of their being in any degree serviceable to mankind, and by no means to throw away a thought upon any injury which the appearance of such unfinished works might do to his literary character. Whoever knew him, indeed, was well persuaded that in all his exertions his personal gratification never was for a moment consulted, unless as far as whatever he did, or whatever he witnessed in others, had a relish for him exactly proportioned to its tendency towards the establishment of the principles which formed, as it were, a part of his nature, and towards the promotion of human happiness, the grand aim of all his views. This is that colleague and friend whose irreparable loss his surviving friends have had to deplore, through all their struggles for the good cause in which they had stood by his side; a loss which each succeeding day renders heavier, and harder to bear, when the misconduct of some, and the incapacity of others, so painfully recall the contrast of one whose premature end gave the first and the only pang that had ever come from him; and all his associates may justly exclaim in the words of Tully regarding Hortensius, "Augebat etiam molestiam, quod magnâ sapientium civium bonorumque penuriâ, vir egregius, conjunctissimusque mecum consiliorum omnium societate, alienissimo reipublicæ tempore extinctus, et auctoritatis, et prudentiæ suæ triste nobis desiderium reliquerat: dolebamque, quod non, ut plerique putabant, adversarium, aut obtrectatorem laudum mearum, sed socium potius et consortem gloriosi laboris amiseram."

# LETTER

TO

## SIR SAMUEL ROMILLY, M.P.

UPON THE

# ABUSE OF CHARITIES.

OCT. 1818.

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" Whoever will examine the state of the Grammar Schools in " different parts of this Kingdom, will see to what a lamentable " condition most of them are reduced. If all persons had *equally* " done their duty, we should not find, as is now the case, empty " walls without scholars, and every thing neglected but the receipt " of the salaries and emoluments."

*Per Lord Kenyon,* C. J. 6. *T. R.* 493.

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" It is absolutely necessary, that it should be perfectly understood, " that Charity Estates all over the Kingdom are dealt with in a " manner most grossly improvident; amounting to the most direct " Breach of Trust."

*Per Lord Eldon,* C. 13. *Ves.* 580.

# LETTER, &c.

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MY DEAR FRIEND,—I have resolved to throw together in a letter, several facts and observations respecting the Abuse of Charities, and especially respecting the bill, which, as Chairman of the Education Committee, I introduced into Parliament last session. I prefer this mode of bringing the matter before the public, to making a statement in my place; because I shall in my own justification be under the necessity of touching upon several things personal to myself, and which I should therefore most unwillingly obtrude upon the House, whose kind indulgence, as I often experience it, I am very reluctant to abuse. It seems also material, that the subject should be fairly laid before the Country without waiting for the meeting of Parliament, which may not take place until after Christmas.

Whoever has been permitted by the courtesy of the House, or authorized by the appointment of a Committee to undertake the management of any important legislative measure, is responsible in the first instance for its success; and if he has, by influence which he could not resist, been prevented from pursuing his object in his own way, he owes to himself the duty of shewing to whom the blame of the failure belongs.

Yet I hardly think I should have been induced to give this explanation in the present case, had the comparatively insignificant question of my own conduct been alone involved in it. My belief is, that great as the errors are which have been committed, some good may yet be attained by directing the public attention to the proceedings under the Act; while, at all events, the defects of that measure, and of the steps already taken to execute it, can only be supplied by a full discussion of the whole subject.

I believe there never was a measure brought forward with more deliberation than the Bill for inquiring into the abuse of charitable funds. The Education Committee of 1816, having observed many instances of malversation and of negligence in the management of such property, recommended a parliamentary commission, as the most effectual and economical mode of bringing to light the still more numerous cases of abuse which every one suspected to exist. In 1817, the Committee again met; but my illness prevented it from doing more than repeating the recommendation of the former report. We knew well enough that a bill might easily have been carried through Parliament during the remaining part of the session; but sufficient time for maturing the details of the measure was wanting, and we felt the propriety of avoiding every thing like rashness, even at the risk of being charged with procrastination. As soon as we were again appointed, last March, we applied ourselves to the subject of the Bill, and its introduction being recommended in our report, I was instructed to move for leave to bring it in. I did so early in April. Every day's inquiries in the Committee demonstrated the necessity of the measure, and threw light upon its details. Skilful professional men assisted me in preparing the Bill; it underwent a minute discussion above stairs; it was then communi-

cated to his Majesty's Ministers and to the law officers of the Crown; and, as there was reason to apprehend that the principal opposition to it would be made in the Lords, it was submitted to the highest legal authority in that House, as well as to the Secretary of State for the Home Department, to whose province, I was informed, the subject in an especial manner appertained. About ten weeks elapsed from its introduction to the passing of the act; the whole time being occupied in discussing its provisions, and in altering almost every part of them again and again. I believe it was printed not fewer than six times.

If the framers of the measure cannot be accused of rashness or impatience, so neither are they liable to the charge of party-feeling or of undue prepossession in favour of their own views. The Committee, composed of above forty members taken indiscriminately from all parts of the house, have agreed in every matter that has come before them from the first day of their appointment in 1816. I do not recollect a single instance of a division. Of course, as always happens in committees, the regular attendance was confined to a few upon whom the labour chiefly devolved; but these were for the most part gentlemen who differ with me in politics; and a constant communication being maintained between those who took an active part in the inquiry and those who attended but seldom, the least dissension among us would have led to an immediate assembly of the greater part of our numbers. I have, therefore, a right to assume that a real and complete unanimity prevailed among us in all our proceedings.

Having the fortune to take an active part in the political business of Parliament, and to be involved in its contests, I was peculiarly solicitous to avoid every thing that might seem to proceed from party attachments or dislikes. For a proof of this, I appeal to those mem-

bers of His Majesty's Government with whom I had the honour of communicating from time to time; and I am confident they will admit that I received every suggestion of theirs with the greatest respect. Indeed the changes which I adopted at their desire, sufficiently prove that, if I am liable to any charge, it is to the imputation of having surrendered too many of the provisions originally made in the Bill. It is material that a few of these changes should here be mentioned.

As the Bill at first stood, the Commissioners were to be named in it. The Ministers proposed that the appointment should be vested in the Crown; that is in themselves. To this important alteration the Committee with extreme reluctance submitted rather than assented. We were aware that upon the fitness of the persons selected to carry on the inquiry its success mainly depended. We had before us the examples of the Commissions of Public Accounts, and of Naval and Military Inquiry, from which the country had derived the most signal benefits, chiefly, as we conceived, because the acts establishing those Boards had nominated the members who were to form them. No private selection of Commissioners, how conscientiously soever it might be performed, could give the same security against improper or inefficient appointments. Without accusing the Minister to whose department it belonged of so foul a crime as a wilful prostitution of patronage in this most delicate matter, we felt that all men in high office are beset by applicants; that they most frequently trust to others for their information as to individual merit; and that private friendships often blind very respectable persons in the reports which they make or the suits which they prefer. We could not, indeed, believe that the Secretary of State was capable of choosing men whom the place might suit, rather than those suited to the place;

that he could shut his eyes to the claims of acknowledged merit, and prefer unknown persons backed by powerful supporters; or that, instead of regarding their fitness for the new office, he should bestow the salary as the wages of former service. Least of all did a suspicion ever enter our minds that care might knowingly and wilfully be taken to avoid those men whose zeal for the cause, and whose habits of investigation gave a certain pledge that all abuses would be sifted to the bottom, and that the guilty would in no station be spared. Yet we were afraid that a certain degree of carelessness or easy good nature, the almost necessary attendant upon official habits, might be shewn in the selection; and that he whom we were willing to believe incapable of voluntarily converting into a job the most sacred part of his patronage, or of taking precautions to screen the enormous delinquency of robbing the poor, might, from imperfect information, and in the hurry of a busy department, choose Commissioners far less adapted to the objects of the Act than those upon whose fitness a public decision by the voice of Parliament should be pronounced. To assist the Legislature in making this selection, we had applied ourselves with much attention in the Committee, canvassing with perfect freedom the qualifications of many gentlemen who were at different times offered to our notice. And we were prepared to propose a list, in which was to be found the name of no one connected, however remotely, with any of ourselves. I may add, as far as regards myself, that all but one were of political connexions adverse to my own; that I was upon a footing of intimacy with none of them; and that one gentleman, of undeniable qualifications, having been proposed, I desired his name might be no more mentioned, as he happened to be a near relation of mine. Some persons, whose opinions I highly respect, deemed that we acted

unwisely in abandoning this main point of the nomination. But we only gave it up when we found the Ministers determined to oppose the Bill, unless they were allowed to name the Commissioners. We still trusted that the power would not be abused; and we looked to the wholesome control of Parliament and the public for a security that the work would be done with diligence, upon whomsoever it might devolve.

The next change of importance related to the *quorum*. The whole excellence of the measure consisted in the ambulatory nature of the Board; because, beside the great saving of expense, unless the Commissioners repaired to the spot, it was quite vain to expect an effectual investigation of the various particulars relating to local abuses. But, as the performance of this duty would be both cumbrous and endless, if the whole Commissioners were to go round the country in a body, it was provided that they should divide themselves into bodies of two each, and that four boards should thus at the same time carry on the inquiry, with an expedition greatly accelerated, and with a salutary rivalship among themselves. The Ministers in the House of Lords changed the *quorum* from *two* to *three*, and left the whole number of Commissioners *eight* as before; thus reducing the number of Boards from *four* to *two*, and leaving *two* Commissioners wholly unemployed. As it is perfectly well known even to beginners in arithmetic that *eight* is not divisible by *three*, I am reduced to the necessity of suspecting that the authors of this change have no serious intention that the Board shall ever be divided at all; and that they mean to make the Commissioners proceed by written interrogatories sent to different parts of the country. It is already stated out of doors that such a plan has been formed; I can only say, that it must render the whole inquiry a perfect mockery; and the labours

of the last session, for the correction of abuses, will have ended in adding one of peculiar grossness to the former number, by the creation of about a dozen sinecure places.

An addition was proposed by his Majesty's Ministers, which we cheerfully adopted, regarding it as an improvement. They suggested the propriety of naming six honorary Commissioners, who might form a superintending and central body, to advise and to regulate the proceedings of the whole. The personages who were proposed to fill this department united to great weight in the country commanding talents and confirmed habits of business. I need only mention the Speaker, Sir W. Grant, Lord Grenville, and the Bishop of London, to justify the satisfaction experienced by the Committee at this part of the arrangement. It seemed even to furnish a security against the consequence of any defects in the choice of the stipendiary Commissioners; and some whose confidence in the measure had been shaken by that choice being left in the Crown, felt it revive when they were told that such men as I have named would at all events be placed at the head of the department.

The changes made in the powers of the Commissioners were as important as the alterations in the construction of the Board. They were deprived of all authority to prosecute their inquiries, unless by the *consent* of every person whom it might be necessary to examine; and they were only permitted to carry on even this ineffectual investigation into a class of abuses neither the most numerous nor the most flagrant. It seems hardly credible that any men affecting to have at heart the great objects of the Bill should have so crippled its powers and narrowed its objects. Nevertheless, such I lament to say is the undeniable fact. In the first place, as to the powers—We had originally

given the Commissioners the same authority which rendered the Naval and Military inquiries so effectual. Imagining that persons concerned in any abuse might be unwilling to give evidence against themselves, or to produce documents which made them liable to refund large balances due to the poor, we had armed the Commissioners with the power of compelling the production of papers, and obliging every one to answer such questions as did not criminate himself. The ministers in the House of Lords peremptorily insisted upon this provision being struck out. They said it was harsh—but why should any one complain of being forced to do what it is every one's duty to do, and what no one can refuse to do unless with the design of concealing some malversation? They represented it as indelicate to respectable trustees—but can any respectable trustee complain of being called upon to disclose the particulars of his conduct in the execution of his trust? They described it as unconstitutional—yet the same powers are possessed by all courts, even by Commissioners of Bankrupt. They called it unprecedented—yet they themselves, when in office with a truly great minister, the renown of whose naval exploits alone eclipses the glory of his civil administration, had furnished the precedent which we followed, and had passed the very act from which we copied verbatim the clause in our Bill. They attempted, indeed, to escape from this dilemma by various outlets. My Lord Chancellor said that he had always disapproved of that provision in Lord St Vincent's act; yet he suffered it to pass without a division, and was, with my Lord Ellenborough, the principal advocate of the measure in the House of Lords. My Lord Sidmouth contented himself with observing, that many persons had objected to Lord St Vincent's bill; but assuredly his Lordship, then minister in the House of Commons, was not of the number; for he strenuously defended it

against Mr Canning, who alone, of the present cabinet, opposed it. A feeble effort was made to distinguish the objects of the two inquiries. But as to their importance—can any one maintain that the expenses of the dock-yards demand more rigorous investigation than the disposal of funds destined by benevolence for the relief of wretchedness; or that the conduct of the person who uses a sum of the public money without authority, and then replaces it, shall be sifted by every means of examination which can wring the truth from interested reluctance; while he who pockets thousands a-year belonging to the poor shall only be *invited* to disclose the state of his accounts, in order that his undue gains may cease, and his past accumulations be refunded? Then, as to the nature of the two inquiries—can it be contended that the power of examining all private merchants' accounts, in substance possessed by the Naval Commissioners, was less liable to abuse, or in itself less vexatious, than the power of examining the accounts of trustees filling a public office? As for the clamour excited against the clause respecting title-deeds, no one who had read our Bill could be deceived by it for a moment; because the possessor of a deed was only obliged to produce it, in case it related wholly to the charity; if any other matter whatever was contained in it, he was allowed to produce a copy of the part relating to the charity.

All our arguments, however, were unavailing. It was resolved that the Commissioners should have no powers; and what is very remarkable, the Bill had been suffered to pass through all its stages in the Commons without any objection being made to this essential part; although Mr Canning and others had given notice of an opposition, and were present at all the debates upon it. The alteration was reserved for the

Upper House, where one of the Ministers proposed it, and none of his colleagues objected.

The objects of the Bill were as materially limited as the powers of the Commissioners had been crippled.

First, they were prohibited from inquiring generally into the State of Education, although a great saving both of time and expense to the public would have been effected by allowing them to make that inquiry when they visited any district for other purposes.

Secondly, they were no longer to examine abuses of all charities, but only of those connected with the education of the poor—a most unfortunate change in the constitution of the Board; for every one was aware how many malversations existed in charitable institutions wholly unconnected with education, and it was obviously a more natural, as well as a more economical course of proceeding, to authorize the Commissioners to look into these at the same time that they were examining the others, than to send one set of functionaries to investigate school charities, and then dispatch a second body to go over the same ground, in order to see what the former had been ordered to overlook.

The instruction under which the Committee acted confined its inquiries to charities connected with education. Nevertheless, we had accidentally been made acquainted with abuses of a very gross description in other charities, which the powers of the Commission as now restricted cannot reach. We found that one Corporation in Hampshire, entrusted with the management of estates worth above L.2000 a-year for the use of the poor, let them for L.200 or L.300 on fines, and would give no account of the manner in which those fines were applied. The same body, it was stated, employed a sum of money confided to it for charitable purposes, in payment of its own debts. At Mere, in Lincolnshire, is an endowment for a Warden and poor brethren of a

very ancient date. The Warden and his lessees seem to be well provided for, whatever may be the lot of the brethren; the estate consists of 650 acres, five miles from Lincoln; it is let for only half-a-guinea an acre, though it pays neither tithe nor poor's rate; and L.24 a-year is the whole sum allotted to the poor brethren. The Bishop of the Diocese is both patron and visitor; he has given the Wardenship to his nephew; and the former Warden resigned it upon being promoted by the same prelate to a living in his gift. The son of that right reverend person is master of Spital Hospital in the same county. Beside other landed property, he is in possession of one estate worth L.600 or L.700 a-year in right of his office; and all that he pays to the poor is L.27, 4s. to four or five pensioners. At Wellingborough, in Northamptonshire, there are lands belonging to different charities, of which only one is connected with education; a short time ago they were let for L.68, although worth near L.1100; and the trustees at one period enjoyed the leases. In the parish of Yeovil in Somersetshire, there are estates possessed by trustees, and destined to four different charities, one only of which is a school. Limited as the Commissioners now are, they may examine those trustees as to one part of their trust; but they must order them to be silent as to the other three. They may inspect the deeds and accounts relating to the school revenue, but they must suddenly shut the book when they perceive any mention of the other charities. And yet all the four seem to have been equally abused. An estate worth L.700 a-year only educates seven or eight boys; lands valued at L.1100 or L.1200 a-year only afford a wretched pittance to sixteen paupers; and property worth L.150 a-year is let for L.2: 1: 4, chiefly to the trustees themselves. There are two estates belonging to the poor of Croydon, which ought to bring

between L.1000 and L.1500 a-year, and yet are worth nothing from being badly let on 90 years' leases; but into this the Commissioners must not look when they go to examine the abuses in the Hospital, because those estates are unconnected with education. In that Hospital itself they will find but little within their jurisdiction; it is, indeed, full of abuse; but only a small portion of the charity belongs to the school, and even that is protected from inquiry by the appointment of a visitor—which leads me to the next head of exemption.

Thirdly, among charities connected with education there was introduced a large class of exceptions, comprehending not only the Universities and the public schools down to Rugby, but generally all charities having special "visitors, governors, or overseers." Now it happens that almost every considerable charity is subject to special visitation; consequently what remains for the operations of the Commissioners lies within a sufficiently narrow compass.

This last alteration of the Bill we justly viewed as a matter of extreme regret. For of the many instances of gross abuse which had come to our knowledge, and some of which will be seen in the evidence now made public, there was hardly one which this clause did not withdraw from the jurisdiction of the Commissioners. Thus Pocklington school, with a large revenue, has been suffered to fall into decay, so that only one boy was taught, and the room converted into a sawpit;* yet it has visitors (St John's College, Cambridge), who, probably, from ignorance of the evil, had

* An attempt was made to deny this; but it seems to be the result of the evidence taken together. At any rate, it is admitted that the proper school-room was wholly disused, except for keeping lumber and working materials.

taken no step to correct it before last winter. So, the property of the Huntingdon School is grossly misapplied; the land is let to accommodate the trustees, and is made the means of supporting a political interest in that borough; yet the charity has visitors in the persons of some of those very trustees, who are thus by the exemption in the Act secured against all inquiry. It should seem too that St Bee's school is equally exempted. But that its affairs merit investigation clearly appears by the evidence; for we there find that leases of its land were granted at a remote period, for 1000 years at a very low fixed rent;* that at a more recent date, the valuable minerals were leased at a mere trifle (L.3, 14s.) for the term of 800 or 900 years, to one of the trustees; that one of the present trustees now enjoys the lease; and that a decided majority of the others are clergymen, holding livings under him, and supporting him in his management of the concern. As none of them has made any attempt to set aside a lease which every one must perceive to be utterly void, and as one of their number has expressed his apprehensions of engaging in a contest with so powerful an adversary, it may be presumed that such considerations alone could deter them from performing what was obviously their duty to the charity; and the inference is irresistible, that this was exactly a case which demanded the interposition of the Commissioners. Certain estates devised for the purposes of education at Reading appear to have been let as late as 1811 for nearly the same rent that they fetched in Charles the Second's reign. It is now considerably raised; but some of the lands seem still to be much underlet; at any rate an inquiry would be highly bene-

* The rent is about L.100, the value of the tenements being above L.8000 a-year.

ficial where such negligence appears so recently to have prevailed: yet all examination is precluded by the proviso; for there is a special visitor. The hospital at Croydon founded by Archbishop Whitgift is protected from investigation by a similar appointment; but the evidence plainly shews that all is not right there. The estates are valued by the surveyor of the house itself at L.2673 a-year; yet they are let for L.860; and down to 1812 they fetched no more than L.336. A free school too is specially appointed to be kept for all the inhabitants of Croydon; but none has within the memory of man been taught, although the master receives his emoluments, teaching another school for his own profit, and although the inhabitants have established a seminary upon the new plan to give education at their own expense to the poor of the place, in the very school-room which Archbishop Whitgift devised for their gratuitous instruction. These abuses, I verily believe, are unknown to the distinguished prelate who is visitor of the hospital. Whoever fills his station in the church has, beside the ordinary functions of his province, the superintendence of a vast number of charitable institutions in various parts of the kingdom; and it is quite impossible that his eye should be always fixed upon the abuses which silently creep into each. Until they are denounced to him, he must of necessity be ignorant of their existence, and the office of accuser is a thankless one at the best. The visitatorial power is only put in motion at stated periods; and even then, if no one comes forward to complain, credit is naturally given to the members of the corporation for doing their duty and obeying the statutes. But, on the other hand, the assistance of such a body as the Commissioners in supplying the want of accusers, and in discovering latent abuses, is precisely that which a conscientious visitor would desire. He can

feel no jealousy of any encroachment upon his rights, for these remain as before; the only difference is, that he has now to exercise his office with a more perfect knowledge of the matters within his jurisdiction, the inquiries of the Commissioners having brought to his notice all the points to which his superintending power should be directed for the purposes of reformation. I think we have a right to assume that the Archbishop of Canterbury viewed the Bill in this, its true light, from the very liberal and candid support which His Grace was pleased to give it.

Nothing, indeed, can be more groundless than the jealousy which appears to have been raised by it in other quarters. In what respect could the proceedings of the Commissioners interfere with any person's functions, whether as trustee or as visitor? They were only empowered to inquire and to report; to discover abuses, and to lay them before the Parliament and the country. Here their authority ended; they could make no order whatever for correcting the mismanagement which they detected, were it ever so glaring. To search for the evil, and expose it to the light, was their whole office; the remedy was reserved for Parliament, if the application of it required legislative interference; but, in the first instance, it was left to the parties themselves whose conduct had been investigated, and if they failed to amend their ways, the visitors were unquestionably entitled to interpose as if the act had never passed. To describe the Commissioners as coming into conflict with the visitors, was a gross misrepresentation of the powers and functions of both. Yet it was entirely upon this misrepresentation, that the clause exempting charities specially visited was built. The pretext that it was authorized by the example of the statute of Elizabeth is utterly unfounded. The commissioners of Charitable Uses, under that act, have powers which would inter-

fere directly with those of special visitors; for they are not merely to investigate, but to make orders and decrees; they are in fact to sit as a court, and they are entitled to try issues of fact by a jury. The clause exempting charities specially visited from their jurisdiction, was therefore necessary to preserve the visitatorial power according to the founder's intentions. But what founder ever dreamt of preventing any inquiry from being made into the state of his charity? What founder could, were he alive to see it, be otherwise than gratified by an investigation, the result of which can have no possible tendency, but that of enabling the visitor appointed by himself to exercise with full effect, the powers of superintendence conferred by him for the express purpose of correcting all abuses in the trusts created by his foundation?

I have mentioned a few instances of abuses brought to light by the labours of the Committee, all growing up to maturity in charities which have special visitors, and which the Commissioners are bound to overlook by virtue of the exemptions introduced into the Bill. It may perhaps be thought that these have been already examined, and that our Report, with respect to them at least, will be sufficient to produce a speedy reform. But I cannot quite indulge in this hope. We had not the means of sifting those cases to the bottom: we plainly perceived that much remained to be investigated in each. Thus, the sums to be refunded by the Yeovil trustees severally we had no means of tracing. We were equally unable to ascertain how much in value of the St Bees school property remained in the hands of the noble lord, who sustains in his own person the double character of trustee and lessee. It was in like manner impossible to estimate the arrears due to the poor from the worthy magistrates of Huntingdon, and the noble family whose political interest in that borough has been founded upon the misapplication of the

charity estates. Nor do we see, in the past conduct of any of those parties, the slightest reason to expect that the publication of our report would of itself have the immediate effect of restoring the poor to their rights. On the contrary, an extraordinary pertinacity had been evinced by them all in defence of their actual possessions, and in resisting every investigation of their titles.

Besides, there is every reason to believe that abuses of a similar description, which we had not time to investigate, exist in all parts of the country. The parochial returns to our circular letters, have brought cases to our knowledge, which no Board sitting in London could examine within a moderate period of time. Other abuses omitted in those returns may be reasonably supposed to prevail; and let it be observed that the probability of abuses existing in any charity, is by no means diminished by the circumstance of a special visitor having been appointed. In general, the visitor resides at a distance; he is most commonly an official person with other duties to engage him, as the Bishop of the diocese, or the Head of a House at one of the Universities; he is usually directed to visit once in so many years; and if no term is specified, he is only by law obliged to visit every third year. Above all, the exemption in the Statute of Elizabeth, has increased the probability of mismanagement in such charities, by preventing them from ever being examined by a Commission of Charitable Uses; while a great proportion of the other charities have undergone this investigation once or twice since their foundation. Now, the transferring of the proviso from the Statute of Elizabeth to the present Act, has precisely the effect of confining the inquiries of the Commissioners to those charities, most of which have already been examined; and of making them pass over those which have never before been looked into, except by their visitors.

If any person should still conceive that the eye of the visitor is sufficient, I would beseech them to consider two things—the slowness with which the knowledge of the evil reaches him, and the risk of his requiring superintendence himself. Abuses are generally speaking of slow growth; they creep into public institutions with a sure pace, indeed, if unchecked, but they move on by degrees; and those who are constantly habituated to see their progress, become accustomed to it, and cease to think of it. These, however, are chiefly the persons on whom the visitor must rely for his information; and, even where the change is more rapid and the abuse more glaring, men who live on the spot are not likely to court the odious office of accusing their neighbours. The grand difference between the Visitor and the Commissioners is, that the former, for the most part, will only examine where there is a charge; whereas the latter are to examine at all events, and to find out whether there be ground for complaining although nobody may have actually preferred a complaint. Then what security have we against negligence or connivance in the visitors themselves? *Quis custodiet ipsos custodes?* True, the founders have intrusted them with the superintendence; but, where no visitation is appointed, the founders have reposed an entire confidence in the trustees; and yet no one has ever contended that *they* should be exempt from the inquiries of the Commissioners? What good reason then can be assigned for investigating abuses committed wholly by trustees, and sparing those committed by trustees and visitors jointly? St John's College is visitor of Pocklington school; for years the gross perversion of its ample revenues, known to all Yorkshire, had never penetrated into Cambridge. The Dean and Chapter of Lincoln have the patronage as well as the superintendence of Spital charity; yet they allow the

Warden, son of the Diocesan, to enjoy the produce of large estates, devised to him in trust for the poor of two parishes as well as of the hospital, while he only pays a few pounds to four or five of the latter.* The Bishop himself is patron and visitor of Mere, and permits the Warden, his nephew (for whom he made the vacancy by promoting his predecessor) to enjoy or underlet a considerable trust estate, paying only L. 24 a-year to the poor. The evidence shews that the visitors of the Huntingdon Hospital are the parties chiefly concerned in misapplying its funds—being themselves trustees—occupying the charity lands for trifling rents —and using the estate for election purposes. I am very far from asserting that the apparent negligence of St John's College, the apparent connivance of the Chapter and the Bishop, and the apparent participation of the Corporators are incapable of explanation: but at least these facts shew the necessity of an inquiry into the conduct of visitors as well as trustees; while the alterations made in the Bill by his Majesty's Ministers, shut out all inquiry, and prevent the public from receiving any explanation.

The exception of which I have been speaking is the more to be lamented, because the charities thus screened from the investigation of the Commissioners, are in the ordinary course of events, and as the law now stands, almost certain to escape every other inquiry. From the jurisdiction created by the Statute of Elizabeth, they are wholly exempted; and that of the Court of Chancery extends to them only in a limited degree. Where funds have been misapplied, the Court will in-

* The Rev. Incumbent states, that there are no poor in Spital; but the endowment is in favour of the "parish poor of Little Carlton and Skellingthorpe," the charge of maintaining whom appears, from the Poor Abstract, to be from L.200 to L.300 a-year.

terfere, notwithstanding the appointment of a visitor; but then its interposition is confined entirely to this breach of trust. It will take no cognizance whatever of any other neglect or misconduct on the part of the trustees. They may have perverted the charity, to purposes wholly foreign to the Founder's intention; they may have suffered the school to decay, while the master reaped the profits; they may, through folly, or even by design, have adopted measures calculated to ensure its ruin;—still if there be a special visitor, who neglects or violates his duty, permitting or abetting the misconduct of the managers, Courts of Equity cannot entertain the discussion of their proceedings, unless the funds are directly misapplied. Thus I take it to be clear, that neither Whitgift's Hospital nor Pocklinton School, could have been examined by information or petition to the Lord Chancellor, although large revenues are expended, in the one case, upon the education of a single child, and in the other, to make a complete sinecure for the master. In the case of a richly endowed school at Berkhamstead, his Lordship admitted that he could not interfere, although he saw the master teaching only one boy and the usher living in Hampshire.* But even as to direct breaches of trust, a court of equity affords most inadequate means of inquiry. No prudent man will easily be induced to involve himself in a Chancery suit, where his private interests are at stake. To expect that any one will do so from the love of justice, and a sense of duty towards the public, is in all but a few extraordinary cases truly chimerical. Nor will the facts disclosed in the Com-

* 2 *Vezey and Beames*, 138. His Lordship was obliged to decree the money received for fines, then about L.5000, to the master and usher, according to the foundation, leaving their conduct in office to be examined by the visitor.

mittee's Report, tend to lessen this very natural dislike of such proceedings. We there find the parish officers of Yeovil ruined by their attempts to obtain justice for the poor; a respectable solicitor and a clergyman in Huntingdon, expending large sums of their own money in the same pious work, and rewarded by the general contempt and even hatred of their fellow-citizens; a worthy inhabitant of Croydon, exposed to every kind of vexation for similar exertions, and his coadjutor falsely and maliciously indicted for perjury; and, not to multiply instances, the venerable Head of a College at Oxford deterred from exposing the St Bees case, by the dread of a conflict with his powerful colleague, before a tribunal where a long purse is as essential as a good cause. You, better than any man, are acquainted with the defects of this remedy; and you are no less impartial than competent to decide upon them. Elevated to an eminence in the Court of Chancery, which no other advocate, perhaps, ever attained in any department of forensic life, you can hardly be supposed to feel prejudice against its proceedings. Yet to you I will venture without hesitation to appeal; and I am confident you will admit that abuses which are fated to flourish in the shade, until a Suit in Equity exposes, and a decree extirpates them, must live and grow until they work the ruin of the institutions to which they cling.

I have now gone through the principal changes which his Majesty's Ministers thought proper to make in the Bill; and when their magnitude is considered,—when it is perceived how little of the original plan was left,—when it is found that the Commissioners were to be chosen by the Crown, deprived of the usual powers of inquiry, and prevented from directing their attention to the objects which most demanded investigation,—it will naturally be asked why the friends of the measure consented to accept of so mutilated a substitute for it;

why they did not at once appeal to Parliament and the Country, from the decision of a Cabinet which had clearly shewn themselves unfriendly to all effectual exposure of the abuses universally complained of? I must take upon myself, in common with several persons whose opinions I deeply respect, the responsibility of having been willing to accept a law, the inadequacy of which we admitted, rather than allow the session to pass without obtaining any thing at all. Various considerations influenced this decision. The manifest hostility to the whole measure, which appeared in the House of Lords, was not among the least of these. Vehemently opposed upon its principle by the chief law authorities, and a formidable body of the prelates —feebly and reluctantly supported by the Ministers of the Crown—the Bill had been sent to a committee only by a majority of one; and some who gave their voices for its commitment, in the hope, apparently, of its complete mutilation, announced their intention to throw it out on the third reading, whatever changes it might undergo; thus consenting to prolong its existence for a moment, that they might first mangle what they were bent upon destroying. When it came out of the committee, the *amendments* had indeed so entirely defeated the whole object in view, that no man, how great soever his wish to conciliate and accommodate, could think of lending himself to the unworthy farce of passing such an act. The Committee, upon learning the scope of those alterations, which left the Bill a mere dead letter,* agreed with me in resolving

* The two provisions which principally tended to defeat the object of the bill, and which were afterwards given up by their Lordships, were these: The Commissioners were only authorized to inquire into abuses respecting which they had information previously laid before them upon oath; nay, they could not summon a witness without oath being first made, that he had material information to communicate. They were

to reject it, and proceed in the House of Commons by way of Address. There being very little reason to doubt that the Address would be carried, the enemies of the Bill in the Lords consented to recommit it, to give up several of their amendments, and to withdraw their opposition to the third reading. Such being the feelings entertained by the Lords towards the whole plan—feelings of which an adequate idea could only be formed by a near observer of the temper in which it was discussed; and so great being the difficulty of obtaining the assent of their Lordships to the Inquiry, even crippled and confined as it now is; we felt compelled to rest satisfied with the little we had thus reluctantly obtained from them, apprehensive that any other course might involve the two Houses in a serious difference of opinion, alike prejudicial to the public weal and to the success of the measure in question. Nor were we without hopes that the experience of the Act when put in force, might quiet the unfounded alarms which prevailed among their Lordships, and prepare them for an extension of its powers at a future time.

I must further mention as a reason for the line of conduct pursued, that we thought there was a mode of supplying indirectly the want of powers in the Commissioners. They would have an opportunity of reporting the names of all persons who refused to be examined, or to deliver up documents in their possession. A dread of exposure to the suspicion which this concealment must create, would probably induce many trustees, however reluctant, to obey the Commissioners;

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also prohibited from asking for any paper, unless it wholly related to a separate charity, and where it contained other matter, they were not allowed to call for extracts or copies of the parts relating to the charity.

while those who obstinately held out might be examined by the Committee on its revival next session. In like manner, we presumed that the Reports of the Commissioners would direct the attention of the Committee to all charities with special visitors; and that if Parliament persisted in refusing to subject these to the scrutiny of the new Board, the Committee might proceed, as it had already begun, to examine them. Thus, we conceived that the Act, with all its imperfections, would do some good in the mean time, and lead to still farther benefits hereafter. Convinced of the necessity of a thorough investigation, we thought that the sooner a beginning was made in it the better. Unable to get all we wished, we deemed it wise and prudent to take what we could get, and not impracticably reject the advantages within our reach, because they were less important than we looked for, and were entitled to. An honest execution of the Act, such as it was, seemed to promise material benefits to the country, provided the certain reappointment of the Committee next session supported the Commissioners in the discharge of their duties, and supplied the defects in their jurisdiction as well as in their powers. But upon that revival, and upon the good faith with which the Act should be carried into effect both by the Ministers and the Board, every thing manifestly depended.

It is with great pain that I now feel myself compelled by a sense of duty, to state the disappointment of the expectations which, in common with the rest of the Committee, I had entertained, that his Majesty's Ministers would faithfully discharge the trust thus reposed in them. On so important a matter I cannot allow considerations of a personal nature to impose silence upon me, or to qualify the expression of an opinion which I have reluctantly been forced to adopt, that a full and searching exposure of abuses is not in

the contemplation of those who have issued the Commission. It would be acting from a false delicacy towards individuals, for whom in their private capacity I can feel nothing but respect, were I to abstain from frankly urging this complaint, and substantiating it by entering into particulars, how painful soever the detail may prove to me. Before I proceed, let me observe, that the attempts made to frustrate the Bill entirely; the great mutilations actually performed upon it; the indisposition to pass it even in the least efficient form—strongly indicated a disposition unfavourable to the inquiry, and excited the vigilance if not the suspicions of its friends towards the manner in which the powers conferred by it should be executed. We are now to see whether those unfavourable impressions have been confirmed or removed.

If the first object of the Ministers had been to render the Act as effectual as possible, they would naturally have listened to the recommendation of the Committee in the formation of the Board. It was known to every person that the individuals suggested by us, were selected solely because they appeared to be the best qualified for the office. No suspicion had for a moment existed in any quarter, indeed the composition of the Committee made it impossible to suspect, that party views had influenced us in the suggestion of a single name. At all events, there would have been no impropriety in the noble Secretary of State conferring with some of us who had applied closely to the business. The prerogative of the Crown is not supposed to suffer, nor the dignity of its Ministers to be lowered, by freely communicating with members of the House of Commons for other purposes. Where could have been the harm of consulting a Committee indiscriminately taken from all parts of the House, upon a matter which had occupied so much of their

attention? His Lordship thought otherwise; of the gentlemen pointed out by us, only two have been put in the Commission; and these, I have reason to think, by no means through our recommendation, but doubtless from the accident, a fortunate one for the public, of their having more favoured patrons.

Of the other paid Commissioners, I have understood that some look forward to the duties of the office as quite compatible with those of a most laborious profession; while others are supposed to regard the existence of abuses generally, in any establishment, with an unwilling if not incredulous mind. Nay, I have reason to believe, that one very respectable member of the Board has publicly professed an opinion, that a great anxiety for the welfare of the poor is symptomatic of Jacobinism. Exclusive devotion to professional vocations, is a meritorious frame of mind; but does not perhaps very naturally point a man out as fit for a second occupation. A fond disposition to find every thing right in our political system; an aversion to believe in the existence of defects; a proneness to charge with disaffection those who spy them out; a tendency to suspect all who busy themselves for the poor as influenced by sinister motives, and even as contrivers of political mischief—these, for aught I know, may be praiseworthy feelings; or amiable weaknesses; or excusable mistakes; and far be it from me to think the worse of any man who is honestly influenced by what may seem the least rational of such propensities. But then I must take leave to think that they form very indifferent qualifications for sitting at a Board, the object of which is to pry into abuses, to expose errors and malversations, and to drag forth to public view those who have robbed the poor of their rights. Persons under the influence of such impressions will enter upon their inquisitorial functions with a disposi-

tion to find ground of justification rather than of charge; will reluctantly open their eyes to truths which thwart their favourite prejudices; and will feel desirous that their inquiries should convict of exaggeration the statements now before the public.

That the choice of my Lord Sidmouth has been guided by this consideration, or by any wish to quiet the fears of charitable trustees, I am far from asserting; on the contrary, I rather believe, that the usual motives may have influenced the appointments—favour towards similarity of political sentiments, and the wish to oblige political connexions. But it seems impossible to maintain that his Lordship passed over certain names by mere accident. These omissions require further notice as throwing light upon the spirit in which the Ministers are executing the Act.

The Committee had in their Report strongly recommended to the attention of Parliament, and of the Ministers, two professional gentlemen to whose voluntary assistance they had been greatly indebted during the course of their inquiries. I allude to Mr Parry and Mr Koe. Of their eminent qualifications to fill the place of Commissioners, every one who attended to our proceedings was aware. The case of Mr Parry was, indeed, peculiarly strong. It happened that he had for some years devoted himself privately to the very investigation which the Board was to prosecute. He had been occupied in examining the abuses in the Berkshire Charities, upon which he had just published a valuable treatise. He was the very man for the new office; he was a Commissioner, if I may so speak, ready made to our hand; he was trained to the business by a lucky coincidence; he was by this accident, the only man who could be found to unite experience with the other qualities required, and all of which he also possessed. Nor had he any of the drawbacks which might

be supposed to prevent his appointment. He had never mixed in politics at all; his connexions were ministerial; he was known to the Lord Chancellor, and much esteemed by him; he had, indeed, been promoted by his Lordship to the place of Commissioner of Bankrupt; to the members of the Committee he was wholly unknown except by his co-operation; none of us had ever heard his name mentioned until the member for Berks informed us of the similarity of his pursuits. Thus, then, fortune seemed to present a person eminently fitted for the service of the public, and it might have been supposed that Lord Sidmouth would eagerly avail himself of the opportunity to appoint at least one Commissioner whom all men would allow to be well chosen. What were the grounds of his rejection, I am yet to learn. Whether he had incurred the guilt of drawing forth my warm commendations, solely by his own merits; or that abounding in all other requisites, he had no friend at court; or that his inquisitorial habits might give alarm to many favoured personages; or that his claims stood in the way of illustrious birth united to obscure merit; or that the patronage of the Home Department, was at all hazards to be defended against every inroad of desert as well as of parliamentary recommendation—all we know is the fact, that neither Mr Parry nor Mr Koe are in the Commission.

Among the honorary Commissioners, we had been led to hope that Lord Lansdowne and the Bishop of London would appear. It is not easy to find two individuals more admirably qualified for the office, by the union of inflexible integrity with conciliatory temper, and of acute understanding with habits of application to affairs. But I own that in my eyes those distinguished persons were still further recommended by their avowed disposition in favour of the proposed inquiry; and I am therefore the more disheartened,

when I find their places supplied by two right reverend prelates, one of whom displayed his irreconcileable hostility to the Bill, by even voting against its commitment; and the other, his disinclination towards it, by retiring before the division, in which the bench of bishops took so active a share*. These are the only peers whose names I find in the list. Neither Lord Rosslyn, who brought forward the question with such signal ability, nor Lord Holland, nor Lord Carnarvon, who so powerfully supported him, are included†.

But I feel myself compelled, however irksome the task, to take notice of another omission. No members of the Education Committee are stationed at the Board, to superintend the execution of their own measure; to keep watch for the public, stimulating the doubtful zeal of some, and checking the declared hostility of others; in a word to give the country a substantial security, that the abuses so loudly complained of shall in good earnest be investigated, and that the Commission shall not be changed from an unsparing inquisition into a thicker cloak than that under which the poor have already been despoiled. It might have been expected that either Mr Babington or myself, who had taken the principal part in the labours of the Committee, would have been placed upon the watch for these purposes. Of Mr Babington's claims to the office, every one who knows him will admit that I need say nothing. Unfortunately he has lately by his retirement from public life, added one qualification, which all who have marked the honesty and usefulness of his parliamentary conduct will allow, that the Country has cause to lament. After titles to

* The Bishops of Peterborough and St Asaph.

† It is singularly unfortunate, that neither the speech of Lord Rosslyn, so replete with important information, as well as sound and enlightened views, on National Education, nor that of Lord Holland, worthy of his illustrious kinsman, were reported.

notice, so much higher than any that I can bring forward, had been disregarded, I could hardly feel surprised at my own offer of service being rejected, with silent contempt, by the eminent head of the Home Department. I was induced to tender myself, by the strong representations of my fellow labourers in the Committee. As the office conferred neither emolument, nor patronage, nor power; as it only gave the privilege of hard labour, of which the habits of my life and my zeal for the cause, made it very clear that I should cheerfully take advantage; I imagined that the most implacable species of malice—the spite of peculators trembling for their unjust gains—could hardly impute any selfish views to the application: I therefore openly stated in my place that I was anxious to be an honorary member of the Commission. I added, that even if my temporary retirement from Parliament were deemed an indispensable condition of the appointment, I still desired to have the option upon these terms; being of opinion that I might render more valuable service to the Country, by devoting to the proposed inquiry the whole time which I could spare from professional avocations. But I do not find that great leisure is thought necessary for the business of the Board. The Speaker is at the head of it; and Sir W. Scott is another of its members. Than the former no man can be a more fit president; but I am not quite disposed to look for very active investigation from the right honourable member for Oxford. He is understood to be decidedly hostile to the Bill. His constituents are known to be in general, the warmest enemies of the whole inquiry. That he and Mr Yorke are named instead of Mr Babington and myself, I trust I may be permitted to regret with the most perfect respect for two gentlemen whose fair difference of opinion, widely as it separates us, I entirely honour.

That party considerations dictated this decision, I feel unwilling to believe. In the case of Mr Babington they could have no weight. In my own, I will venture to say they would be exceedingly misplaced; for I appeal with confidence to every member of the Committee, and to every person in government with whom I have had the honour of communicating, to defend me from the suspicion of having in any one instance shewn myself influenced by political feelings during the course of the inquiry. So determined was I to avoid every thing which might lead to such imputations, that I interfered at the Westmoreland election to prevent any allusion from being made to the case of St Bees' school, and uniformly refused access to the evidence touching that extraordinary affair to persons who might use it for the purposes of the local contest. It has been suggested that I am omitted because the ministers were apprehensive of my carrying the inquiry further than they wished it to go. Certainly I should have felt no desire to push it beyond the just limits. I should have only taken care that every abuse was searched to the very bottom, whoever might be engaged in it, or might profit by it. One step short of this I should not have consented to stop; further, there was no occasion to go.

It is necessary to add a remark or two upon the choice of the Secretary. That important officer is directed by the Act to be named by the Commissioners themselves. The reason is obvious; he ought to be a person possessing their confidence; known to them; selected by them. The law was purposely so framed, and the terms of it explicitly shew the intent of the Legislature. The Secretary of State, however, is understood to have desired the stipendiary Commissioners immediately after their nomination, and before the seal was affixed, to reserve themselves upon the appoint-

ment of a secretary. It is not to be doubted, that this suggestion was meant as a notice that the Home Department would recommend a proper person. Accordingly I am informed that Mr Parry, the omission of whose name at the Board had created considerable discussion, has since received intimation that an application by him for the office would be favourably received. If Lord Sidmouth recommends him, it will be a deviation from the Act of Parliament,* useful no doubt to the public, but only rendered so by his Lordship having previously left him out of his proper place at the Board. Had he been appointed a Commissioner, the Minister would have only exercised the patronage vested in him by law; an able servant would have been secured in the department that most required him; and the discretion vested by the Act in the Board would have been kept sacred from ministerial encroachment.†

I have now finished the most painful part of these observations; painful, because I have been compelled

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* The words are (Sect. 4.), "The said Commissioners are hereby authorized to appoint and employ such Secretary *as they shall think meet*, and to administer to the said Secretary an oath for his true and faithful demeanour in all things relating to the due performance of *any trust* respecting the execution of this Act, *reposed in him by the said Commissioners.*"

† It is remarkable that the Police Committee have complained, in their *Third Report*, of the same disposition in the Home Department to grasp at patronage not vested in it by law. "This breach of an act of Parliament (says the Report) on the part of the Secretary of State, has produced the result which might have been anticipated. One of the persons so appointed by Lord Sidmouth, was a worthless, abandoned character, a Jew bail, who was imprisoned in the King's Bench, and not being able to perform his duty, was turned out of his situation; he is described by the chief clerk as a man who hired himself out as a fraudulent bail, and was never known at the office till he came to be sworn in. Your Committee beg leave to observe, that this interference of the Secretary of State is not warranted by the law which regulates the police, and will no doubt, if persevered in, be attended with the worst effects. Of the four persons nominated by Lord Sidmouth, one declined his appointment, another was turned out of the office, and the remaining two were confirmed in their situations, in defiance of the proper remonstrance of the magistrates upon the subject."

to criticise the selection of persons against whose general characters and respectability I have never heard a suspicion whispered, and to express a disapprobation of the choice, founded upon an invidious comparison of their deserts with those of other men. Let it not, however, be supposed that I expect no good to result from their labours; still less do I impute to them any backwardness to discharge the duties which they have sworn to perform. It is the inferior energy of some that I lament. It is the unfortunate prejudices of others which I dread, against which I feel anxious that they themselves should be warned, and of which a jealous Public ought thus early to be apprised. Even constituted as it is, and with powers so defective, this Board may render service to the state: but he is guilty of no failure in courtesy towards its members who betrays a constitutional desire that their proceedings should attract the watchful eye of the community at large.

Of the Ministers who first mutilated the Act, and then intrusted the execution of it to its enemies rather than its authors or supporters, no man can long hesitate what opinion he should form. Their conduct can only be accounted for upon the supposition that they do not wish to see a zealous and unsparing investigation of charitable abuses. That they should favour neglect or peculation for its own sake, is inconceivable; but they may be deterred from fearlessly joining in the exposure of it by the clamours of those who are interested in its concealment, or the alarms of men easily disquieted, willing to believe that there is safety in supporting whatever exists, ready to fancy that there is danger wherever there is movement, and to forget that in the neighbourhood of mischief it is perilous to repose. Certain it is, that the present Ministers have at all times betrayed a reluctance to reformation of every sort; and that, whether from interest, or weak compliance, or fear

of disquieting the alarmists, they have so acted as to afford abuses of all descriptions effectual shelter. Upon the present occasion they have not deviated from their accustomed course; and the interposition of Parliament will be required to force them out of it, as it has frequently done before. The season has happily passed away when the country could be frightened out of a necessary attention to the mismanagement of its affairs; and an opinion is daily gaining ground, that its safety might be secured, instead of endangered, by the steady yet temperate progress of well-considered, timely reformation.

It is devoutly to be hoped, that the clamours, and the still more dangerous intrigues of men directly interested in the continuance of abuse, may not be permitted to influence the House of Commons during the approaching session. If any thing has been clearly proved in the foregoing pages, it is the absolute necessity of reviving the Education Committee, and extending its powers to all charities whatever. This measure alone can strengthen the hands of the Commissioners, whom all good men must wish to support, whether they approve or blame the selection that has been made. It is no less necessary for pursuing the investigation of the important matters withdrawn from the jurisdiction of the Board. An opposition to the renewal of that Committee can only originate in a determined resolution to screen delinquents, to perpetuate neglect and malversation. I trust I may be permitted to affirm, without incurring the charge of presumption, that never did any Committee better deserve the confidence of Parliament and of the Country, whether we regard the diligence or the impartiality with which it performed its duty. Gratitude to my colleagues, as well as justice to the public, requires from me this acknowledgment.

It is true we had enemies, who from the first re-

garded our proceedings with a jealous eye; and whose numbers as well as animosity were increased by the progress of our inquiries. With those who openly met us we had no reason to dread the result of a conflict; but our most implacable adversaries chose a more formidable manner of attack. They hated us for one thing, and arraigned us for another; or concealing themselves and their grounds of aversion, they worked upon the fears of others, and opposed us by deputy. Men who had no possessions of their own, affected a tender regard for the secrecy of title-deeds, while they feared only the disclosure of conveyances, that would oblige them to surrender the property of the poor. Many who cared but little for the Church, and had too much sense to suppose it could be endangered by the restitution of charitable funds to their proper objects, worked upon the apprehensions of their weaker brethren, and made them cry out, that nothing was sacred from our inquisition; while certain secular abuses, cherished for convenience, rather than consecrated by time, were the only objects of their own veneration. Above all, advantage was taken of the romantic attachment which English gentlemen feel towards the academic scenes of their early life; and the generous natures of persons who had honoured those retreats of learning by their acquirements, or at the worst, only made them the abodes of harmless indolence, were enlisted in the defence of practices from which they would have revolted, had they not suffered themselves to be persuaded that our object was an illiberal, unlettered, Gothic invasion of all classic ground.

Accordingly, we were severely reproved for pushing our inquiries into establishments, destined, it was said, for the education of the upper classes, while our instructions confined us to schools for the lower orders. Unfortunately, we no sooner looked into any of those

institutions, than we found that this objection to our jurisdiction rested upon the very abuses which we were investigating, and not upon the real nature of the foundations. For as often as we examined any establishment, the production of the charter or statutes proved that it was originally destined for the education of the poor—"*One free school for the instructing, teaching, maintenance, and Education of* POOR CHILDREN *and Scholars*,"* says the charter of the "Hospital and Free Grammar-School in the Charter-House." "PAUPERES *et* INDIGENTES *scholares*," say the statutes of Winchester College† "*Unum Collegium perpetuum* PAUPERUM ET INDIGENTIUM *scholarium Cantabrigiæ, et quoddam aliud collegium perpetuum* ALIORUM PAUPERUM ET INDIGENTIUM *scholarium Etoniæ*," say the statutes which founded King's College Cambridge, and Eton College;‡ and they further require the scholars to take a solemn oath, that they have not five marcs (L.3, 6s.) a-year to spend. The Westminster statutes expressly prohibit any boy being elected on the foundation, "who has, or at his father's death will inherit, a patrimony of above ten pounds."§ The same poverty is the qualification required by the statutes of Trinity College, Cambridge: the scholars are there called "PAUPERES," and in choosing them, where other merits are equal, the preference is ordered to be given "INOPIÆ."‖ In choosing the fellows of St John's College, a preference is prescribed in favour of the most deserving, "*et inter hos, illis qui* INDIGENTIORES *fuerint*;" for scholars, the "INOPES" are directed to be preferred, and an oath of poverty, similar to that of

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* 1 Report, 1816, p. 128. † Report, 1818.

‡ Vid. Stat. 1. entitled "*Mens et institutum fundatoris*." Report, 1816.

§ Report, 1816, p. 199.

‖ Cap. 1. and 13. Report, 1818.

Eton and Winchester, is solemnly taken.* There is no doubt that some other institutions, as St Paul's School, and St Saviour's in Southwark, were intended for the rich; the former by manifest implication was founded for them only; the latter, by the express terms of the foundation, was meant for rich and poor indifferently;† but in the original statutes of the great schools and colleges, as far as we examined them, there was to be found no provision except for the poor. Nor are the Committee the first persons who have regarded those magnificent endowments in this light. Lord Coke, and the other judges of England, so considered the two Universities in general; for in his report of the decision touching a charity-school in a very well known case, he says, that they all held it applied to Oxford and Cambridge; he mentions those foundations as works of charity, speaks of their members as "*poor scholars*," and, in reference to the misapplication of their funds, quotes the text, "*panis egentium vita pauperum; et qui defraudat eos homo sanguinis est.*"‡ The application of such expressions to those rich endowments, has, indeed, given offence to many. They think it hard that they should be obliged to take the name with the estate; probably because the property came not by inheritance, or by any other lawful title, and because the application is very inconsistent with the possession.

I presume, however, that I have said enough to justify the Committee for venturing to consider those great establishments as within its jurisdiction. But situated as they are in the eyes of all the world, administered by highly gifted personages, superintended by visitors of exalted station, it might be deemed su-

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* Cap. 12, 15, 16. Report, 1818. † Report, 1816, 224, 170.
‡ 8 Report, 130. Thetford School Case.

perfluous to exercise, with respect to them, the inquisitorial power which our instructions gave us. Now, whether beneficially or not, I have no right to determine, but certainly the fact is, that great deviations have been made from the original foundation in all those venerable establishments. For the particulars I must refer to the Evidence.* I shall here only mention a few things relating to Winchester College, which may serve to shew that such endowments are not less liable to perversion than more obscure charities. The statutes, as has already been observed, require, in the most express terms, that only "*the poor and indigent*" shall be admitted upon the foundation. They are, in fact, all children of persons in easy circumstances; many of opulent parents. The boys, when they attain the age of fifteen, solemnly swear that they have not L.3, 6s. a-year to spend; yet as a practical commentary on this oath, they pay ten guineas a-year to the masters; and the average of their other expenses exceeds fifty. It is ordered that if any boy comes into the possession of property to the amount of L.5 a-year, he shall be expelled; and this is construed L.66 : 13 : 4, regard being had to the diminished value of money, although the warden, fellows, and scholars all swear to observe the statutes, "*according to their plain, literal, and grammatical sense and understanding.*" It is strictly enjoined that no boy shall be admitted above twelve years of age. This is wholly disregarded. The

* The Report of 1818 contains copies of the statutes of Eton, and King's College, Trinity, and St John's, Cambridge, and a part of the foundation of Christ Church, Oxford. The singular accuracy with which they are printed does great credit to the industry and skill of Mr Ellis of the British Museum, who has been employed for some months in superintending the press. This part of the Report will in a few weeks be in circulation; the part about to appear immediately contains important extracts from the Winton Statutes. The Report of 1816 contains the foundations of Westminster, Charter House, St Paul's, and others.

fellowships are augmented in revenue by a liberal interpretation of the terms describing their money payments; while the strictest construction is adopted as to the payments to scholars, including even the founder's kin, the peculiar objects of his bounty. Thus, too, while the latter are refused the convenience of knives, forks, spoons, plates, &c. on the ground that such articles of furniture were unknown in the time of William of Wykham, the fellows are allowed those accommodations, although the fellowships were founded at the same early period. The revenues are between L.13,000 and L.14,000 a-year; the yearly expense of the foundation scholars, as now borne by their parents, is between L.60 and L.70; so that there cannot be any fair reason for not defraying the whole of this out of the revenues, as the founder obviously intended; and thus restoring the school to its original state. Nor would it be a deviation from his plan by any means so wide as many which have been adopted, were the number of seventy scholars enlarged, which the opulence of the establishment would render very easy. The fellowships would still be lucrative, if reduced to the ordinary value of those at Oxford and Cambridge, and they are tenable with church preferment. The infractions of the original statutes are sought to be justified by the connivance of successive visitors, and it is alleged that they have even authorized them by positive orders (*injunctions*). But the statutes appointing the visitor, expressly prohibit him from altering them in any manner of way, directly or indirectly, and declare all acts in contravention of them absolutely null.* I must add, that notwithstanding the disregard shewn to some statutes and some oaths, there was a strong disposition manifested in the members of the college to

* Report, 1818.

respect those which they imagined bound them to keep their foundation and their concerns secret.

I am very far from taking upon me to decide, that in all those great Institutions many deviations from the letter of the original Statutes may not have been rendered necessary, and some infractions of their spirit advantageous by the change of circumstances. But let it be remembered that the Committee only investigated, leaving others to act upon the result of the inquiry. We contend for nothing beyond the propriety of having the whole matter examined, and the real state of things exposed to Parliament, and the Country. They who object to our proceedings, on the other hand, begin by assuming either that all is right, or that the subject is too sacred to be touched; and they oppose every attempt to let in the light upon what is passing within their precincts, as if the hand of destruction were lifted against establishments, while in truth we are only for subjecting them to the public eye. Nevertheless, in all such matters, it is consistent with a wise policy to respect even the prejudices of worthy men; and where voluntary improvement in any Institution may reasonably be expected, a short delay is well bestowed, to attain the advantages of a reform at once safe and durable. Acting upon this principle, the Committee hardly touched the Universities, leaving to the distinguished individuals intrusted with their concerns the task of pursuing the general suggestions of the Report, and of adopting such measures as their more intimate knowledge of the details might point out.

It is natural indeed, even at this early stage of the inquiry, to carry forward our views to the ultimate result, and to ask what measures may arise out of it. For the present I consider that it would be premature to enter minutely into this subject; but some consequences

likely to follow from the proceedings in question appear to deserve attention.

In the *first* place, if they only lead to an accurate knowledge of all the charitable funds in the kingdom, without detecting a single abuse, we shall owe to them very valuable information, which has never yet been obtained, notwithstanding frequent attempts for that purpose by different legislative provisions. The inaccuracy of the former returns may be perceived at once, by looking at the abstract of school charities, which Mr Rickman was kind enough to make from the returns under Mr Gilbert's Act.* To take only two examples —In the East Riding of Yorkshire, 73 places are said to possess 67 charitable donations for schools, and their united revenue is stated at L.880; whereas we now have ascertained that one school alone, that of Pocklington, has a revenue of about L.900 a-year.† In Middlesex the whole revenue is returned under L.5000, in 151 donations possessed by 64 places: but the revenues of three schools, the Charter-House, Christ's Hospital, and St Paul's School, are proved to exceed L.70,000 a-year.‡

*Secondly.* It must be of the greatest importance to investigate all the instances of mismanagement and abuse in Charities, although nothing should be done, except to make them public in all their details by a high authority. When this publicity is given to them, a great step is made toward their correction. Where the evil arises from error of judgment, discussion may rectify it, as we frequently have found in the Committee, when, examining subscription Charities administered on a bad principle, we convinced their patrons of the error, and induced them to amend their plan. Where neglect or breach of trust is committed, the exposure

* Report, 1816, p. 169. † Report, 1818. ‡ Report, 1816.

is likely to check it; nay the knowledge that an inquiry is approaching has in many instances already had this effect. Where further steps become necessary, the interposition of the tribunals now constituted for such superintendence, the Visitors and the Courts of Equity, must be ensured by the attention excited, and facilitated by the information obtained. And if, as is too probable, this remedy should be found inefficacious, both in respect of economy and dispatch, the surest foundation is laid upon which new legislative measures can be grounded. It may therefore fairly be assumed that the inquiry will end, if rightly conducted, in throwing complete light on the state of Charities, and in correcting all the abuses to which they are now liable. The estate of the Poor will be, as it were, accurately surveyed, and restored to its rightful owners; or rather rescued from the hands which have no title to hold it, and placed at the disposal of the Legislature, the Supreme power in the State, to be managed in the way most beneficial to those for whose use it was destined. If it were merely given to those portions of the Poor who are literally pointed out by the original destination, and bestowed strictly in the manner described, a great benefit would be gained, and, among other advantages, this would result, that charitable persons, confiding in the secure application of their benefactions, might be encouraged to new acts of liberality. But we may reasonably expect a further improvement to follow, from attending to the great changes in the circumstances of the times, and in the revenues of most charities. The will of the donor, which ought to be closely pursued, may often be better complied with, by a deviation from the letter of his directions,—an alteration which no man can doubt that he would have made himself, had he lived to the present day. Thus the founder of Hemsworth Hospital, in Yorkshire, when he appointed

it for the reception of twenty poor persons above sixty years of age, appears to have estimated its revenues, as not likely to exceed L. 70 a-year: they are now more than L.2000. Who can believe that he meant to convert so many paupers, at a certain period of life, into wealthy annuitants? Or is it probable that the revenues of a school, in Northumberland, exclusively appropriated by the foundation to educate the children of a small chapelry, would have been so limited, had the donor foreseen their increase to such a sum as can only be expended, by attiring the boys in cloth of gold, and giving them *Editiones Principes* to read? Or is there a doubt, that the founders of the Leeds' Grammar School, had they foreseen the increase of its revenues, as well as of the commercial population of the town, would have gladly permitted arithmetic and the modern languages to be taught, with Latin and Greek, out of funds greater than can now be spent on a learned education?* Or can it be imagined that King Edward the Sixth would have strictly ordered the whole revenues of the Birmingham Charity to be divided between the two masters, had he known that they would amount to L.3000 or L.4000 a-year? Cases are not wanting of charities which would be highly detrimental to the community, were the will of the donors strictly pursued. Thus large funds were raised by voluntary contribution to endow an hospital for the small-pox inoculation. Recent discoveries have proved that this practice extends the ravages of the disease. Could any of the original subscribers, were he alive, blame the application of this institution to the vaccine method? The Foundling Hospital has a revenue of L.10,000 a-year, which

* See Attorney-General v. Whitely, 10 *Ves. jun.* 24, where it is held, "that the words *grammar school* exclude all learning but the learned languages."

will, in a few years, be increased three or four fold, all intended originally for the maintenance of children "cast off, deserted, or exposed by their parents."* Yet such an expenditure of those funds would certainly prove injurious to the community, by encouraging improvident marriages as well as illicit connexions, and thus increasing the numbers of the poor. No one, therefore, can blame the total change of the plan which for the last sixty years has been made, with whatever view, by adopting the rule to admit no child whose mother does not appear to be examined.† The founder of the Bedford Charity certainly never expected that the thirteen acres in Holborn parish, with which he endowed it, would let for L. 7000 or L. 8000 a-year, and be the means of attracting paupers from every quarter to injure the town which he especially designed to favour. In all cases of either description, both where much of the benefit plainly intended to be conferred is lost, and where positive injury is occasioned, by closely adhering to the donor's directions, it seems the duty of the Legislature to supply his place, and to make such alterations as he might be presumed to sanction were he alive, in like manner as the Court of Chancery endeavours to fulfil his intentions, where his orders are imperfect, or where he has omitted altogether to make a provision.

The course of proceeding which the Legislature ought to pursue in dealing with the estates of the poor, is a subject of peculiar delicacy, and closely connected with the great question of the Poor-Laws. It is chiefly in this connexion that I have from the beginning been induced to regard both the subject of Charities and of National Education. You are aware that my intention is to submit certain propositions to Parliament upon

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* Vide Charter 1739. Report, 1816, p. 215.

† Report, 1816, p. 244.

the Poor-Laws during the ensuing session, and I shall not here anticipate the discussion which may then be expected to take place. But a few observations may properly find a place in this Letter, respecting the connexion between the general question and permanent charitable funds. The remarks, then, with which I am about to conclude, relate to the principles which ought to regulate the conduct of the Legislature in dealing with charities, and which should guide us in forming our opinion upon the relief likely to be felt by the country from the due application of funds destined to assist the poor.

I take it to be a principle which will admit of no contradiction, that the existence of any permanent fund for the support of the poor—the appropriation of any revenue, however raised, which must peremptorily be expended in maintaining such as have no other means of subsistence—has, upon the whole, a direct tendency to increase their numbers. It produces this effect in two ways—by discouraging industry, foresight, economy, the great preventives of poverty—and by encouraging improvident marriages, the great source of paupers; nor is the former operation more certain than the latter. It is equally clear that this increase will always exceed the proportion which the revenues in question can maintain.* To the class of funds directly productive of pauperism belong all revenues of alms-houses, hospitals, and schools where children are supported as well as educated; all yearly sums to be given away to mendicants or poor families; regular donations of religious houses in Catholic countries; the portion of the tithes in this country which went to maintain the poor before the statutory provision was made; and finally, and above

* "Languescet industria, intendetur socordia, si nullus ex se metus aut spes, et securi omnes aliena subsidia expectabunt, sibi ignavi, nobis graves."—TACIT.

all, that provision itself.* But charitable funds will prove harmless—and may be moreover beneficial—exactly in proportion as their application is limited to combinations of circumstances out of the ordinary course of calculation, and not likely to be taken into account by the labouring classes in the estimate which they form of their future means of gaining a livelihood. Thus they may safely be appropriated to the support of persons disabled from working by accident or incurable malady, as the blind and the maimed; and we may even extend the rule to hospitals generally, for the cure of diseases; nor can orphan hospitals be excepted, upon the whole; for although certainly the dread of leaving a family in want is one check to improvident marriages, yet the loss of both parents is not an event likely to be contemplated. In like manner, although the existence of a certain provision for old age, independent of individual saving, comes within the description of the mischief, it is nevertheless far less detrimental than the existence of an equal fund for maintaining young persons, and more especially for supporting children. Keeping these remarks in our view, let us add to them the consideration, that as the Poor-Laws have been administered, the character of the labouring classes has suffered a material injury, from which it ought by all means to be restored, and we shall come to the conclusion, that the application of charitable funds to purposes of education merely, will be the best means of expending them on a large scale, and that next to this, such donations are to be preferred as directly encourage independence, for example, a provision for the old age

* The Poor Rates come clearly within this description as now raised and applied; for though they do not exist previously to the demand on the part of the persons claiming relief, the mode of calling them into existence and the right to do so are known, and that has the same effect.

of persons who never received alms in any shape; and for defraying the first cost of erecting saving banks. The employment of these resources in helping industry by the supply of tools is a more doubtful application of them, but far more harmless than the methods generally in use. Perhaps, after the uses now mentioned, no expenditure of eleemosynary revenues can be devised more safe than reserving them rigorously for periods of extraordinary distress, and then bestowing them upon persons above the lowest classes, so as to prevent the ruin of householders.

I am very far, however, from asserting that any such strict limitation of the charitable funds already existing ought to be attempted. I only state the principle upon which the Legislature should proceed, wherever it is justified in interfering. What circumstances may authorise that interference, cannot be, with any advantage to the subject, described in general terms. But that no rights are in reality infringed by taking a fund destined to support the poor in a way likely to increase their numbers, and using it so as to perform some act of charity without increasing the numbers of charitable objects, seems abundantly evident. No man can be supposed to have desired the existence of paupers; every donor assumed that, independently of his bounty, there were such needy persons in being, and he intended to relieve them. Could he have foreseen that an alteration in the form of his gift, must reduce their numbers, he would have adopted it. In like manner, the poor are not, with reference to this point, an existing body of persons, like the Church or any other Corporation, who have rights of property. They form a class into which no man enters voluntarily, and whatever restricts their numbers by diminishing poverty, benefits the community. So that no violation of property would be committed by using any fund given to the poor, in a manner different from its original desti-

nation, provided the result were infallibly to lessen their numbers, and still to employ it in works of charity. We both accurately and conveniently speak of the poor as a body having rights, when we complain of those who have misapplied their property by converting it to their own use. But the class of paupers cannot with any correctness of speech be said to be defrauded by an act which keeps others from entering into that class. This injury can only be done to persons who were manifestly never in the donor's view, persons voluntarily making themselves paupers, to take advantage of the gift.

But let it not be imagined that the general recovery of charitable funds from the hands by which they are mismanaged, would afford no direct relief to the country. Even if applied rigorously, according to the principles which I have stated, they would produce an almost immediate diminution in the numbers of the poor, and would support many who at present are left to depend upon parochial relief. The effects of a course of treatment tending to raise the character of the lowest classes, are very generally underrated. The experiments which have been made in Switzerland, and of which an account will be found in my evidence before the Committee, sufficiently shew how much may be expected from a system at once rational and benevolent. There is no necessity for carrying it so far as has there been done; but the principles are the same in every degree to which they may be adopted. We have also uniformly found in the Committee, that the improvement of children produces an immediate effect upon the parents who have been brought up in rude and dissolute habits, inspiring them with better sentiments, and gradually meliorating their condition.* If all the proper

* Report, 1818.

measures were adopted for thus striking at the root of the evil, it would obviously be much safer than it now is to apply part of the funds already disposable, or which may be regained, to the ordinary purposes of charity; and they might thus afford an important relief to the land-owner during the period that must be consumed in the transition from the present unnatural state of the system, to a more healthful and happy condition.

I must, however, forbear to enter further into this wide field of discussion. Our subject is confined within narrower limits. The point to which the attention of the country should first be directed, is the rescue of charitable funds from mismanagement, and their restoration to the purposes for which they were created. Upon the justice of this course, there can exist no difference of opinion. Upon its expediency as compared with the abandonment of them to thriftless or selfish hands, the decision seems equally clear. What further steps may be advisable, is a question that may be reserved for a later stage of the inquiry. But I should have acted unfairly if I had omitted here to bring forward, though very generally and imperfectly, the principles which, in my humble opinion, should guide us in resolving that question also, because false expectations might have been raised on the one hand, or equally groundless despondence been produced on the other.

I ever am,

Most faithfully yours,

H. BROUGHAM.

TEMPLE, *Aug.* 20. 1818.

# INAUGURAL DISCOURSE

ON BEING INSTALLED

# LORD RECTOR

OF THE

# UNIVERSITY OF GLASGOW.

APRIL 6. 1825.

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TO

THE VERY REVEREND THE PRINCIPAL,

THE PROFESSORS,

AND THE STUDENTS,

OF THE

UNIVERSITY OF GLASGOW.

I beg leave to inscribe this Discourse to you, in token of my great respect. Although the opinions which it sets forth are the result of mature deliberation, yet, as it was written during the business of the Northern Circuit, it will, I fear, as far as regards the composition, not be deemed very fit to appear before the world. Nevertheless, I have yielded a somewhat reluctant assent to the request of many of your number, who were of opinion that its publication would prove beneficial.

H. BROUGHAM, R.

# INAUGURAL DISCOURSE.

It now becomes me to return my very sincere and respectful thanks for the kindness which has placed me in a chair, filled at former times by so many great men, whose names might well make any comparison formidable to a far more worthy successor.

While I desire you to accept this unexaggerated expression of gratitude, I am anxious to address you rather in the form which I now adopt, than in the more usual one of an unpremeditated discourse. I shall thus at least prove that the remarks, which I deem it my duty to make, are the fruit of mature reflection, and that I am unwilling to discharge an important office in a perfunctory manner.

I feel very sensibly, that if I shall now urge you by general exhortations, to be instant in the pursuit of the learning, which, in all its branches, flourishes under the kindly shelter of these roofs, I may weary you with the unprofitable repetition of a thrice told tale; and if I presume to offer my advice touching the conduct of your studies, I may seem to trespass upon the province of those venerable persons, under whose care you have the singular happiness to be placed. But I would nevertheless expose myself to either charge, for the sake of joining my voice with theirs, in anxiously

entreating you to believe how incomparably the present season is verily and indeed the most precious of your whole lives. It is not the less true, because it has been oftentimes said, that the period of youth is by far the best fitted for the improvement of the mind, and the retirement of a college almost exclusively adapted to much study. At your enviable age, every thing has the lively interest of novelty and freshness; attention is perpetually sharpened by curiosity; and the memory is tenacious of the deep impressions it thus receives, to a degree unknown in after life; while the distracting cares of the world, or its beguiling pleasures, cross not the threshold of these calm retreats; its distant noise and bustle are faintly heard, making the shelter you enjoy more grateful; and the struggles of anxious mortals embarked upon that troublous sea, are viewed from an eminence, the security of which is rendered more sweet by the prospect of the scene below. Yet a little while, and you too will be plunged into those waters of bitterness; and will cast an eye of regret, as now I do, upon the peaceful regions you have quitted for ever. Such is your lot as members of society; but it will be your own fault if you look back on this place with repentance or with shame; and be well assured that, whatever time—ay, every hour—you squander here on unprofitable idling, will then rise up against you, and be paid for by years of bitter but unavailing regrets. Study, then, I beseech you, so to store your minds with the exquisite learning of former ages, that you may always possess within yourselves sources of rational and refined enjoyment, which will enable you to set at nought the grosser pleasures of sense, whereof other men are slaves; and so imbue yourselves with the sound philosophy of later days, forming yourselves to the virtuous habits which are its legitimate offspring, that you may walk unhurt through the trials which

await you, and may look down upon the ignorance and error that surround you, not with lofty and supercilious contempt, as the sages of old times, but with the vehement desire of enlightening those who wander in darkness, and who are by so much the more endeared to us by how much they want our assistance.

Assuming the improvement of his own mind and of the lot of his fellow-creatures to be the great end of every man's existence, who is removed above the care of providing for his sustenance, and to be the indispensable duty of every man, as far as his own immediate wants leave him any portion of time unemployed, our attention is naturally directed to the means by which so great and urgent a work may best be performed; and as in the limited time allotted to this discourse, I cannot hope to occupy more than a small portion of so wide a field, I shall confine myself to two subjects, or rather to a few observations upon two subjects, both of them appropriate to this place, but either of them affording ample materials for an entire course of lectures —the study of the Rhetorical Art, by which useful truths are promulgated with effect, and the purposes to which a proficiency in this art should be made subservient.

It is an extremely common error among young persons, impatient of academical discipline, to turn from the painful study of ancient, and particularly of Attic composition, and solace themselves with works rendered easy by the familiarity of their own tongue. They plausibly contend, that as powerful or captivating diction in a pure English style is, after all, the attainment they are in search of, the study of the best English models affords the shortest road to this point; and even admitting the ancient examples to have been the great fountains from which all eloquence is drawn, they would rather profit, as it were, by the classical

labours of their English predecessors, than toil over the same path themselves. In a word, they would treat the perishable results of those labours as the standard, and give themselves no care about the immortal originals. This argument, the thin covering which indolence weaves for herself, would speedily sink all the fine arts into barrenness and insignificance. Why, according to such reasoners, should a sculptor or painter encounter the toil of a journey to Athens or to Rome? Far better work at home, and profit by the labour of those who have resorted to the Vatican and the Parthenon, and founded an English school, adapted to the taste of our own country. Be you assured that the works of the English chisel fall not more short of the wonders of the Acropolis, than the best productions of modern pens fall short of the chaste, finished, nervous, and overwhelming compositions of them that "resistless fulmined over Greece." Be equally sure that, with hardly any exception, the great things of poetry and of eloquence have been done by men who cultivated the mighty exemplars of Athenian genius with daily and with nightly devotion. Among poets there is hardly an exception to this rule, unless may be so deemed Shakspeare, an exception to all rules, and Dante, familiar as a contemporary with the works of Roman art, composed in his mother tongue, having taken, not so much for his guide as for his "master," Virgil, himself almost a translator from the Greeks. But among orators I know of none among the Romans, and scarce any in our own times. Cicero honoured the Greek masters with such singular observance, that he not only repaired to Athens for the sake of finishing his rhetorical education, but afterwards continued to practise the art of declaiming in Greek; and although he afterward fell into a less pure manner through the corrupt blandishments of the Asian taste,

yet do we find him ever prone to extol the noble perfections of his first masters, as something placed beyond the reach of all imitation. Nay, at a mature period of his life, he occupied himself in translating the greater orations of the Greeks, which composed almost exclusively his treatise, "*De optimo genere oratoris;*" as if to write a discourse on oratorial perfection, were merely to present the reader with the two immortal speeches upon the Crown. Sometimes we find him imitating, even to a literal version, the beauties of those divine originals,—as the beautiful passage of Æschines, in the Timarchus, upon the torments of the guilty, which the Roman orator has twice made use of, almost word for word; once in the oration for Sextus Roscius, the earliest he delivered, and again in a more mature effort of his genius, the oration against L. Piso.*

I have dwelt the rather upon the authority of M. Tullius, because it enables us at once to answer the question, Whether a study of the Roman orators be

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* Μὴ γαρ οἴεσθε, τὰς τῶν ἀδικημάτων ἀρχὰς ἀπὸ θεῶν, ἀλλ' οὐχ ὑπ' ἀνθρώπων ἀσελγείας γίνεσθαι· μηδὲ τοὺς ἠσεβηκότας, καθάπερ ἐν ταῖς τραγῳδίαις, Ποινὰς ἐλαύνειν καὶ κολάζειν δᾳδὶ ἡμμέναις· ἀλλ' αἱ προσπεσοῦσαι τοῦ σώματος ἡδοναὶ, καὶ τὸ μηδὲν ἱκανὸν ἡγεῖσθαι, ταῦτα πληροῖ τὰ ληστήρια—ταῦτ' εἰς τὸν ἱπποκροκίλητα ἐμβιβάζει—ταῦτά ἐστιν ἑκάστῳ Ποινή — ταῦτα παρακελεύεται τοῖς νέοις, κ· τ· λ.— ΑΙΣΧΙΝ. κατὰ Τιμάρχου.

Nolite enim putare, quemadmodum in fabulis sæpenumero videtis, eos, qui aliquid impie scelerateque commiserint, agitari et perterreri Furiarum tædis ardentibus. Sua quemque fraus, et suus terror maxime vexat; suum quemque scelus agitat, amentiaque afficit; suæ malæ cogitationes conscientiæque animi terrent. Hæ sunt impiis assiduæ domesticæque Furiæ; quæ dies noctesque parentum pœnas a conscleratissimis filiis repetant.—(*Pro Sexto Roscio Amerino.*)

Nolite enim putare, ut in scena videtis, homines consceleratos impulsu deorum terreri Furiarum tædis ardentibus. Sua quemque fraus, suum facinus—suum scelus—sua audacia, de sanitate ac mente deturbat. Hæ sunt impiorum Furiæ—hæ flammæ—hæ faces.—(*In Luc. Calp. Pisonem.*)

The great improvement in Cicero's taste between the first and the second of these compositions is manifest, and his closer adherence to the original. He introduces the same idea, and in very similar language, in the Treatise, *De Legg. Lib.* 1.

not sufficient for refining the taste? If the Greeks were the models of an excellence which the first of Roman orators never attained, although ever aspiring after it,—nay, if so far from being satisfied with his own success, he even in those his masters found something which his ears desiderated—(ita sunt avidæ et capaces; et semper aliquid immensum infinitumque desiderant*)—he either fell short while copying them, or he failed by diverting his worship to the false gods of the Asian school. In the one case, were we to rest satisfied with studying the Roman, we should only be imitating the imperfect copy, instead of the pure original—like him who should endeavour to catch a glimpse of some beauty by her reflection in a glass, that weakened her tints, if it did not distort her features. In the other case, we should not be imitating the same, but some less perfect original, and looking at the wrong beauty;—not her whose chaste and simple attractions commanded the adoration of all Greece, but some garish damsel from Rhodes or Chios, just brilliant and languishing enough to captivate the less pure taste of half civilized Rome.

But there are other reasons too weighty to be passed over, which justify the same decided preference. Not to mention the incomparable beauty and power of the Greek language, the study of which alone affords the means of enriching our own, the compositions of Cicero, exquisite as they are for beauty of diction, often remarkable for ingenious argument and brilliant wit, not seldom excelling in deep pathos, are nevertheless so extremely rhetorical, fashioned by an art so little concealed, and sacrificing the subject to a display of the speaker's powers, admirable as those are, that nothing can be less adapted to the genius of modern elocution, which requires a constant and almost exclusive attention to

* Orator. c. 29.

the business in hand. In all his orations which were spoken (for, singular as it may seem, the remark applies less to those which were only written, as all the Verrine, except the first, all the Philippics, except the first and ninth, and the Pro Milone), hardly two pages can be found which a modern assembly would bear. Some admirable arguments on evidence, and the credit of witnesses, might be urged to a jury ;* several passages, given by him on the merits of the case, and in defence against the charge, might be spoken in mitigation of punishment after a conviction or confession of guilt ; but, whether we regard the political or forensic orations, the style, both in respect of the reasoning and the ornaments, is wholly unfit for the more severe and less trifling nature of modern affairs in the senate or at the bar. Now, it is altogether otherwise with the Greek masters: Changing a few phrases, which the difference of religion and of manners might render objectionable,—moderating, in some degree, the virulence of invective, especially against private character, to suit the chivalrous courtesy of modern hostility,—there is hardly one of the political or forensic orations of the Greeks that might not be delivered in similar circumstances before our senate or tribunals ; while their funeral and other panegyrical discourses are much less inflated and unsubstantial than those of the most approved masters of the Epideictic style, the French preachers and Academicians. Whence this difference between the masterpieces of Greek and Roman elo-

* There is a singular example of this in the remarks on the evidence and cross-examination in the oration for L. Flaccus, pointed out to me by my friend Mr Scarlett (now Lord Abinger), the mention of whose name affords an illustration of my argument, for, as a more consummate master of the forensic art in all its branches never lived, so no man is more conversant with the works of his predecessors in ancient times. Lord Erskine, too, perhaps the first of judicial orators, ancient or modern, had well studied the noble remains of the classic age.

quence? Whence but from the rigid steadiness with which the Greek orator keeps the object of all eloquence perpetually in view, never speaking for mere speaking's sake; —while the Latin rhetorician, "*ingenii sui nimium amator*," and, as though he deemed his occupation a trial of skill, or display of accomplishments, seems ever and anon to lose sight of the subject matter in the attempt to illustrate and adorn it; and pours forth passages sweet indeed, but unprofitable—fitted to tickle the ear, without reaching the heart. Where in all the orations of Cicero, or of him who almost equals him, Livy, "*miræ facundiæ homo*,"* shall we find any thing like those thick successions of short questions, in which Demosthenes oftentimes forges, as it were, with a few rapidly following strokes, the whole massive chain of his argument;—as, in the Chersonese, Εἰ δ' ἅπαξ διαφθαρήσεται καὶ διαλυθήσεται, τί ποιήσομεν, ἂν ἐπὶ Χερρόνησον ἴῃ; κρινοῦμεν Διοπείθην; νὴ Δία. Καὶ τί τὰ πράγματα ἔσται βελτίω; ἀλλ' ἐνθένδε βοηθήσομεν αὐτοῖς. ἂν δ' ὑπὸ τῶν πνευμάτων μὴ δυνώμεθα; ἀλλὰ μὰ Δί' οὐχ ἥξει. καὶ τίς ἐγγυητής ἐστι τούτου;— or, comprising all of a long narrative that suits his argument in a single sentence, presenting a lengthened series of events at a single glance,—as in the Παραπρεσβεία:— Πέντε γὰρ γεγόνασιν ἡμέραι μόναι, ἐν αἷς—οὗτος ἀπήγγειλε τὰ ψευδῆ —ὑμεῖς ἐπιστεύσατε,—οἱ Φωκεῖς ἐπύθοντο—ἐνέδωκαν ἑαυτοὺς—ἀπώλοντο.

But though the more business-like manner of modern debate approaches much nearer the style of the Greek than the Latin compositions, it must be admitted that it falls short of the great originals in the closeness, and, as it were, density of the argument; in the habitual sacrifice of all ornament to use, or rather in the constant union of the two; so that, while a modern orator too frequently has his speech parcelled out into compartments, one devoted to argument, another to

* Quintilian.

declamation, a third to mere ornament, as if he should say,—"Now your reason shall be convinced; now I am going to rouse your passions; and now you shall see how I can amuse your fancy,"—the more vigorous ancient argued in declaiming, and made his very boldest figures subservient to, or rather an integral part of his reasoning. The most figurative and highly wrought passage in all antiquity is the famous oath in Demosthenes; yet, in the most pathetic part of it, and when he seems to have left the furthest behind him the immediate subject of his speech, led away by the prodigious interest of the recollections he has excited; when he is naming the very tombs where the heroes of Marathon lie buried, he instantly, not abruptly, but by a most felicitous and easy transition, returns into the midst of the main argument of his whole defence—that the merits of public servants, not the success of their councils, should be the measure of the public gratitude towards them—a position that runs through the whole speech, and to which he makes the funeral honours bestowed alike on all the heroes, serve as a striking and appropriate support. With the same ease does Virgil manage his celebrated transition in the Georgics; where, in the midst of the Thracian war, and while at an immeasurable distance from agricultural topics, the magician strikes the ground on the field of battle, where helmets are buried, and suddenly raises before us the lonely husbandman, in a remote age, peacefully tilling its soil, and driving his plough among the rusty armour and mouldering remains of the warrior.*

But if a further reason is required for giving the preference to the Greek orators, we may find it in the greater diversity and importance of the subjects upon which their speeches were delivered. Besides the num-

* Georg. I. 493. Scilicet et tempus veniet, cum finibus illis, &c.

ber of admirable orations and of written arguments upon causes merely forensic, we have every subject of public policy, all the great affairs of state, successively forming the topics of discussion. Compare them with Cicero in this particular, and the contrast is striking. His finest oration for matter and diction together is in defence of an individual charged with murder, and there is nothing in the case to give it a public interest, except that the parties were of opposite factions in the state, and the deceased a personal as well as political adversary of the speaker. His most exquisite performance in point of diction, perhaps the most perfect prose composition in the language, was addressed to one man, in palliation of another's having borne arms against him in a war with a personal rival. Even the Catilinarians, his most splendid declamations, are principally denunciations of a single conspirator; the Philippics, his most brilliant invectives, abuse of a profligate leader; and the Verrine orations, charges against an individual governor. Many, indeed almost all the subjects of his speeches, rise to the rank of what the French term *Causes celebres;* but they seldom rise higher.* Of

* The cause of this difference between the Greek and Roman orators has been so strikingly described by a learned friend of mine, in the following note upon the above passage, that the celebrity of his name, were I at liberty to mention it, is not required to attract the reader's notice. "In Athens," says he, "an incessant struggle for independence, for power, or for liberty, could not fail to rouse the genius of every citizen—to force the highest talent to the highest station—to animate her councils with a holy zeal—and to afford to her orators all that, according to the profoundest writers of antiquity, is necessary to the sublimest strains of eloquence. "Magna eloquentia sicut flamma materia alitur, a motibus excitatur, urendo clarescit." Hers were not the holiday contests of men who sought to dazzle by the splendour of their diction, the grace of their delivery, the propriety and richness of their imagery. Her debates were on the most serious business which can agitate men—the preservation of national liberty, honour, independence, and glory. The gifts of genius and the perfection of art shed, indeed, a lustre upon the most vigorous exertions of her orators—but the object of their thunders was to stir the energies of the men of Athens, and to make tyrants tremble,

Demosthenes, on the other hand, we have not only many arguments upon cases strictly private, and relating to pecuniary matters (those generally called the Ἰδιωτικοί), and many upon interesting subjects, more nearly approaching public questions, as, the speech against Midias, which relates to an assault on the speaker, but excels in spirit and vehemence perhaps all his other efforts; and some which, though personal, involve high considerations of public policy, as that most

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or rivals despair. Rome, on the other hand, mistress of the world, at the time when she was most distinguished by genius and eloquence, owned no superior, hated no rival, dreaded no equal. Nations sought her protection, kings bowed before her majesty, the bosom of her sole dominion was disturbed by no struggle for national power, no alarm of foreign danger. While she maintained the authority of her laws over the civilized earth, and embraced under the flattering name of allies those who could no longer resist her arms, the revolt of a barbarian king, or the contests of bordering nations with each other, prolonged only till she had decided between them, served to amuse her citizens or her senate, without affecting their tranquillity. Her government, though essentially free, was not so popular as the Athenian. The severity of her discipline, and the gravity of her manners, disposed her citizens less to those sudden and powerful emotions which both excited and followed the efforts of the Greek orators. It seems, therefore, reasonable to conclude, that the character of Roman eloquence would be distinguished more by art than by passion, by science than by nature. The divisions and animosities of party, no doubt, would operate, and did operate with their accustomed force. But these are not like the generous flame which animates a whole nation to defend its liberty or its honour. The discussion of a law upon which the national safety could not depend, the question whether this or that general should take the command of an army, whether this or that province should be allotted to a particular minister, whether the petition of a city to be admitted to the privileges of Roman citizens should be granted, or whether some concession should be made to a suppliant king; —these, with the exception of the debates on the Catiline conspiracy, and one or two of the Philippics, form the subjects of a public nature, on which the mighty genius and consummate art of Cicero were bestowed. We are not, therefore, surprised to find that those of his orations, in which he bears the best comparison with his rival Demosthenes, were delivered in the forum in private causes. In some of these may be found examples of perhaps the very highest perfection to which the art can be carried, of clear, acute, convincing argument, of strong natural feeling, and of sudden bursts of passion; always, however, restrained by the predominating influence of a highly cultivated art—an art little concealed."

beautiful and energetic speech against Aristocrates; but we have all his immortal orations upon the state affairs of Greece—the Περὶ Στεφάνου, embracing the history of a twenty years' administration during the most critical period of Grecian story; and the Philippics, discussing every question of foreign policy, and of the stand to be made by the civilized world against the encroachments of the barbarians. Those speeches were delivered upon subjects the most important and affecting that could be conceived to the whole community; the topics handled in them were of universal application and of perpetual interest. To introduce a general observation the Latin orator must quit the immediate course of his argument; he must for the moment lose sight of the object in view. But the Athenian can hardly hold too lofty a tone, or carry his view too extensively over the map of human affairs, for the vast range of his subject—the fates of the whole commonwealth of Greece, and the stand to be made by free and polished nations against barbaric tyrants.

After forming and chastening the taste by a diligent study of those perfect models, it is necessary to acquire correct habits of composition in our own language, first by studying the best writers, and next by translating copiously into it from the Greek. This is by far the best exercise that I am acquainted with for at once attaining a pure English diction, and avoiding the tameness and regularity of modern composition. But the English writers who really unlock the rich sources of the language, are those who flourished from the end of Elizabeth's to the end of Queen Anne's reign; who used a good Saxon dialect with ease, but correctness and perspicuity,—learned in the ancient classics, but only enriching their mother tongue where the Attic could supply its defects,—not overlaying it with a profuse pedantic coinage of foreign words,—well prac-

tised in the old rules of composition or rather collocation (σύνθεσις), which unite natural ease and variety with absolute harmony, and give the author's ideas to develope themselves with the more truth and simplicity when clothed in the ample folds of inversion, or run from the exuberant to the elliptical without ever being either redundant or obscure. Those great wits had no foreknowledge of such times as succeeded their brilliant age, when styles should arise, and for a season prevail over both purity, and nature, and antique recollections —now meretriciously ornamented, more than half French in the phrase, and to mere figures fantastically sacrificing the sense—now heavily and regularly fashioned as if by the plumb and rule, and by the eye rather than the ear, with a needless profusion of ancient words and flexions, to displace those of our own Saxon, instead of temperately supplying its defects. Least of all could those lights of English eloquence have imagined that men should appear amongst us professing to teach composition, and ignorant of the whole of its rules, and incapable of relishing the beauties, or indeed apprehending the very genius of the language, should treat its peculiar terms of expression and flexion as so many inaccuracies, and practise their pupils in correcting the faulty English of Addison, and training down to the mechanical rhythm of Johnson the lively and inimitable measures of Bolingbroke.

But in exhorting you deeply to meditate on the beauties of our old English authors, the poets, the moralists, and perhaps more than all these the preachers of the Augustan age of English letters, do not imagine that I would pass over their great defects when compared with the renowned standards of severe taste in ancient times. Addison may have been pure and elegant; Dryden airy and nervous; Taylor witty and fanciful; Hooker weighty and various; but none

of them united force with beauty—the perfection of matter with the most refined and chastened style; and to one charge all, even the most faultless, are exposed—the offence unknown in ancient times, but the besetting sin of later days—they always overdid —never knowing or feeling when they had done enough. In nothing, not even in beauty of collocation and harmony of rhythm, is the vast superiority of the chaste, vigorous, manly style of the Greek orators and writers more conspicuous than in the abstinent use of their prodigious faculties of expression. A single phrase—sometimes a word—and the work is done—the desired impression is made, as it were, with one stroke, there being nothing superfluous interposed to weaken the blow, or break its fall. The commanding idea is singled out; it is made to stand forward; all auxiliaries are rejected; as the Emperor Napoleon selected one point in the heart of his adversary's strength, and brought all his power to bear upon that, careless of the other points, which he was sure to carry if he won the centre, as sure to have carried in vain if he left the centre unsubdued. Far otherwise do modern writers make their onset; they resemble rather those campaigners who fit out twenty little expeditions at a time, to be a laughing stock if they fail, and useless if they succeed; or if they do attack in the right place, so divide their forces, from the dread of leaving any one point unassailed, that they can make no sensible impression where alone it avails them to be felt. It seems the principle of such authors never to leave any thing unsaid that can be said on any one topic; to run down every idea they start; to let nothing pass; and leave nothing to the reader, but harass him with anticipating every thing that could possibly strike his mind. Compare with this effeminate laxity of speech, the manly severity of ancient eloquence; or of him who approach-

ed it, by the happy union of natural genius with learned meditation ; or of him who so marvellously approached still nearer with only the familiar knowledge of its least perfect ensamples. Mark, I do beseech you, the severe simplicity, the subdued tone of the diction, in the most touching parts of the "old man Eloquent's"* loftiest passages. In the oath, when he comes to the burial place where they repose by whom he is swearing, if ever a grand epithet were allowable, it is here—yet the only one he applies is ἀγαθοὺς—μὰ τοὺς ἐν Μαραθῶνι προκινδυνεύσαντας τῶν προγόνων—καὶ τοὺς ἐν Πλαταιαῖς παραταξαμένους—καὶ τοὺς ἐν Σαλαμῖνι ναυμαχήσαντας—καὶ τοὺς ἐπ' Ἀρτεμισίῳ, καὶ πολλοὺς ἑτέρους τοὺς ἐν τοῖς δημοσίοις μνήμασι κειμένους ΑΓΑΘΟΥΣ ἄνδρας. When he would compare the effects of the Theban treaty in dispelling the dangers that compassed the state round about, to the swift passing away of a stormy cloud, he satisfies himself with two words, ὥσπερ νέφος—the theme of just admiration to succeeding ages ; and when he would paint the sudden approach of overwhelming peril to beset the state, he does it by a stroke the picturesque effect of which has not perhaps been enough noted—likening it to a whirlwind or a winter torrent, ὥσπερ σκηπτὸς ἢ χειμάῤῥους. It is worthy of remark, that in by far the first of all Mr Burke's orations, the passage which is, I believe, universally allowed to be the most striking, owes its effect to a figure twice introduced in close resemblance to these two great expressions, although certainly not in imitation of either ; for the original is to be found in Livy's description of Fabius's appearance to Hannibal. Hyder's vengeance is likened to "a black cloud, that hung for a while on the declivities of the mountains," and the people who suffered under its devastations, are de-

* Milton applied this phrase to Plato, as well he might ; but of the orator it is yet more descriptive.

scribed as "enveloped in a whirlwind of cavalry." Whoever reads the whole passage, will, I think, admit that the effect is almost entirely produced by those two strokes; that the amplifications which accompany them, as the "blackening of the horizon"—the "menacing meteor"—the "storm of unusual fire," rather disarm than augment the terrors of the original *black cloud*; and that the "goading spears of the drivers," and "the trampling of pursuing horses," somewhat abate the fury of the *whirlwind of cavalry*.—Δουλεύουσί γε μαστιγούμενοι καὶ στρεβλούμενοι, says the Grecian master, to describe the wretched lot of those who had yielded to the wiles of the conqueror, in the vain hope of securing their liberties in safety. Compare this with the choicest of Mr Burke's invectives of derision and pity upon the same subject—the sufferings of those who made peace with Regicide France—and acknowledge the mighty effect of relying upon a single stroke to produce a great effect—if you have the master hand to give it. "The King of Prussia has hypothecated in trust to the Regicides his rich and fertile territories on the Rhine, as a pledge of his zeal and affection to the cause of liberty and equality. He has been robbed with unbounded liberty, and with the most levelling equality. The woods are wasted; the country is ravaged; property is confiscated; and the people are put to bear a double yoke, in the exactions of a tyrannical government, and in the contributions of a hostile conscription." "The Grand Duke of Tuscany, for his early sincerity, for his love of peace, and for his entire confidence in the amity of the assassins of his family, has been complimented with the name of the '*wisest Sovereign in Europe*.' This pacific Solomon, or his philosophic cudgelled ministry, cudgelled by English and by French, whose wisdom and philosophy between them have placed Leghorn in the hands of the enemy of the Austrian family,

and driven the only profitable commerce of Tuscany from its only port." Turn now for refreshment to the Athenian artist—Καλήν γ' οἱ πολλοὶ νῦν ἀπειλήφασιν Ὠρειτῶν χάριν, ὅτι τοῖς Φιλίππου φίλοις ἐπέτρεψαν αὐτούς, τὸν δ' Εὐφραῖον ἐώθουν· καλὴν γ' ὁ δῆμος ὁ τῶν Ἐρετριέων, ὅτι τοὺς ὑμετέρους μὲν πρέσβεις ἀπήλασε, Κλειτάρχῳ δ' ἐνέδωκεν αὐτόν· δουλεύουσί γε μαστιγούμενοι καὶ στρεβλούμενοι. Phil. 3.—Upon some very rare occasions indeed, the orator, not content with a single blow, pours himself all forth in a full torrent of invective, and then we recognise the man who was said of old to eat shields and steel—ἀσπίδας καὶ καταπέλτας ἐσθίων. But still the effect is produced without repetition or diffuseness. I am not aware of any such expanded passage as the invective in the Περὶ Στεφάνου against those who had betrayed the various States of Greece to Philip. It is indeed a noble passage; one of the most brilliant, perhaps the most highly coloured, of any in Demosthenes; but it is as condensed and rapid as it is rich and varied. —"Ανθρωποι μιαροὶ καὶ κόλακες καὶ ἀλάστορες, ἠκρωτηριασμένοι τὰς ἑαυτῶν ἕκαστοι πατρίδας, τὴν ἐλευθερίαν προπεπωκότες πρότερον μέν Φιλίππῳ, νῦν δὲ Ἀλεξάνδρῳ—τῇ γαστρὶ μετροῦντες καὶ τοῖς αἰσχίστοις τὴν εὐδαιμονίαν—τὴν δ' ἐλευθερίαν καὶ τὸ μηδένα ἔχειν δεσπότην αὐτῶν (ἃ τοῖς προτέροις Ἕλλησιν ὅροι τῶν ἀγαθῶν ἦσαν καὶ κανόνες), ἀνατετροφότες (Περὶ Στεφ.).*— This requires no contrast to make its merit shine forth; but compare it with any of Cicero's invectives—that, for instance, in the third Catilinarian, against the conspirators, where he attacks them regularly under six different heads, and in above twenty times as many words; and ends with the known and very moderate

* The object of chief abhorrence to the old Greeks is remarkably expressed in this passage—δισκότης is the correlative of δοῦλος—and the meaning of δισκότην ἴχειν αὐτῶν is, "having an owner or proprietor of themselves," that is, "being the property, the chattels of any one,"—and this they justly deemed the last of human miseries. The addition of the cart-whip, and a tropical climate, would not probably have been esteemed by them an alleviation of the lot of slavery.

jest of their commander keeping "Scortorum cohortem Prætoriam."

The great poet of modern Italy, Dante,* approached nearest to the ancients in the quality of which I have been speaking. In his finest passages you rarely find an epithet; hardly ever more than one; and never two efforts to embody one idea. "*A guisa di Leon quando si posa,*" is the single trait by which he compares the dignified air of a stern personage to the expression of the lion slowly laying him down. It is remarkable that Tasso copies the verse entire, but he destroys its whole effect by filling up the majestic idea, adding this line, "*Girando gli occhi e non movendo il passo.*" A better illustration could not easily be found of the difference between the ancient and the modern style. Another is furnished by a later imitator of the same great master. I know no passage of the *Divina Commedia,* more excursive than the description of evening in the Purgatorio; yet the poet is content with somewhat enlarging on a single thought—the tender recollections which that hour of meditation gives the travel-

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* This great poet abounds in such master strokes. To give only a few examples. The flight of doves:

Con l' ali aperte e ferme al dolce nido
Volan per l'äer, dal voler portate.—(Inf. v.)

The gnawing of a skull by a mortal enemy:

Co' denti
Che furo all' osso, come d'un can, forti.—(Inf. xxxiii.)

The venality and simoniacal practices of the Romish church:

Là dove Cristo tutto dì si merca.—(Parad. xvii.)

The perfidy of a Bourbon:

Senz' arme n'esce, e solo con la lancia
Con la qual giostrò Giuda.—(Purg. xx.)

The pains of dependance:

Tu proverai sì come sa di sale
Lo pane altrui, e com' è duro calle
Lo scendere e'l salir per l' altrui scale.—(Parad. xvii.)

ler, at the fall of the first night he is to pass away from home, when he hears the distant knell of the expiring day. Gray adopts the idea of the knell in nearly the words of the original, and adds eight other circumstances to it, presenting a kind of ground-plan, or at least a catalogue, an accurate enumeration (like a natural historian's), of every one particular belonging to nightfall, so as wholly to exhaust the subject, and leave nothing to the imagination of the reader. Dante's six verses, too, have but one epithet, *dolci*, applied to *amici*. Gray has thirteen or fourteen ; some of them mere repetitions of the same idea which the verb or the substantive conveys—as *drowsy* tinkling *lulls*,—the *moping* owl *complains*,—the ploughman *plods* his *weary* way. Surely when we contrast the simple and commanding majesty of the ancient writers with the superabundance and diffusion of the exhaustive method, we may be tempted to feel that there lurks some alloy of bitterness in the excess of sweets. This was so fully recognised by the wise ancients, that it became a proverb among them, as we learn from an epigram still preserved,

Εἰς τὴν μετριότητα.

Πᾶν τὸ περισσὸν ἄχαιρον, ἐπεὶ λόγος ἐστὶ παλαιὸς,
Ὡς καὶ τοῦ μέλιτος, τὸ πλέον ἐστὶ χολή.

In forming the taste by much contemplation of those antique models, and acquiring the habits of easy and chaste composition, it must not be imagined that all the labour of the orator is ended, or that he may then dauntless and fluent enter upon his office in the public assembly. Much preparation is still required before each exertion, if rhetorical excellence is aimed at. I should lay it down as a rule, admitting of no exception, that a man will speak well in proportion as he has written much ; and that with equal talents, he will be

the finest extempore speaker, when no time for preparing is allowed, who has prepared himself the most sedulously when he had an opportunity of delivering a premeditated speech. All the exceptions which I have ever heard cited to this principle, are apparent ones only; proving nothing more than that some few men, of rare genius, have become great speakers without preparation; in nowise shewing, that with preparation they would not have reached a much higher pitch of excellence. The admitted superiority of the ancients in all oratorical accomplishments, is the best proof of my position; for their careful preparation is undeniable; nay, in Demosthenes (of whom Quinctilian says, that his stile indicates more premeditation —*plus curæ*—than Cicero's) we can trace, by the recurrence of the same passage, with progressive improvements in different speeches, how nicely he polished the more exquisite parts of his compositions. I could point out favourite passages, occurring as often as three several times with variations, and manifest amendment.

I am now requiring, not merely great preparation while the speaker is learning his art, but after he has accomplished his education. The most splendid effort of the most mature orator will be always finer for being previously elaborated with much care. There is, no doubt, a charm in extemporaneous elocution, derived from the appearance of artless unpremeditated effusion, called forth by the occasion, and so adapting itself to its exigencies, which may compensate the manifold defects incident to this kind of composition: that which is inspired by the unforeseen circumstances of the moment, will be of necessity suited to those circumstances in the choice of the topics, and pitched in the tone of the execution, to the feelings upon which it is to operate. These are great virtues: it is another to avoid

the besetting vice of modern oratory—the overdoing every thing—the exhaustive method—which an off-hand speaker has no time to fall into, and he accordingly will take only the grand and effective view: nevertheless, in oratorical merit, such effusions must needs be very inferior; much of the pleasure they produce depends upon the hearer's surprise, that in such circumstances any thing can be delivered at all, rather than upon his deliberate judgment, that he has heard any thing very excellent in itself. We may rest assured that the highest reaches of the art, and without any necessary sacrifice of natural effect, can only be attained by him who well considers, and maturely prepares, and oftentimes sedulously corrects and refines his oration. Such preparation is quite consistent with the introduction of passages prompted by the occasion; nor will the transition from the one to the other be perceptible in the execution of a practised master. I have known attentive and skilful hearers completely deceived in this matter, and taking for extemporaneous passages which previously existed in manuscript, and were pronounced without the variation of a particle or a pause. Thus, too, we are told by Cicero in one of his epistles, that having to make, in Pompey's presence, a speech after Crassus had very unexpectedly taken a particular line of argument, he exerted himself, and it appears successfully, in a marvellous manner, mightily assisted, in what he said extempore, by his habit of rhetorical preparation, and introducing skilfully, as the inspiration of the moment, all his favourite common-places, with some of which, as we gather from a good-humoured joke at his own expense, Crassus had interfered: "Ego autem ipse, Dî Boni! quomodo ἐνεπεφτερευσάμην novo auditori Pompeio! Si unquam mihi περίοδοι, si καμπαί, si ἐνθυμήματα, si κατασκευαί, suppeditaverunt, illo tempore. Quid multa? clamores.—

Etenim hæc erat ὑπόθεσις, de gravitate ordinis, de equestri concordia, de consensione Italiæ, de immortuis reliquiis conjurationis, de vilitate, de otio—nôsti jam in hâc materiâ sonitus nostros; tanti fuerunt, ut ego eo brevior sim, quod eos usque isthinc exauditos putem." (Ep. ad Att. I. 14.)

If, from contemplating the means of acquiring eloquence, we turn to the noble purposes to which it may be made subservient, we at once perceive its prodigious importance to the best interests of mankind. The greatest masters of the art have concurred, and upon the greatest occasion of its display, in pronouncing that its estimation depends on the virtuous and rational use made of it. Let their sentiments be engraved on your memory in their own pure and appropriate diction. Καλὸν (says Æschines) τὴν μὲν διάνοιαν προαιρεῖσθαι τὰ βέλτιστα, τὴν δὲ παιδείαν τὴν τοῦ ῥήτορος καὶ τὸν λόγον πείθειν τοὺς ἀκούοντας—εἰ δὲ μὴ, τὴν εὐγνωμοσύνην ἀεὶ προτακτέον τοῦ λόγου—(Κατὰ Κτησιφῶντος). Ἔστι (says his illustrious antagonist) δ' οὐχ ὁ λόγος τοῦ ῥήτορος τίμιος, οὐδ' ὁ τόνος τῆς φωνῆς, ἀλλὰ τὸ ταὐτὰ προαιρεῖσθαι τοῖς πολλοῖς—(Ὑπὲρ Κτησ.)

It is but reciting the ordinary praises of the art of persuasion, to remind you how sacred truths may be most ardently promulgated at the altar—the cause of oppressed innocence be most powerfully defended—the march of wicked rulers be most triumphantly resisted—defiance the most terrible be hurled at the oppressor's head. In great convulsions of public affairs, or in bringing about salutary changes, every one confesses how important an ally eloquence must be. But in peaceful times, when the progress of events is slow and even as the silent and unheeded pace of time, and the jars of a mighty tumult in foreign and domestic concerns can no longer be heard, then too she flourishes,—protectress of liberty,—patroness of improvement,—

guardian of all the blessings that can be showered upon the mass of human kind; nor is her form ever seen but on ground consecrated to free institutions. "Pacis comes, otiique socia, et jam bene constitutæ reipublicæ alumna eloquentia." To me, calmly revolving these things, such pursuits seem far more noble objects of ambition than any upon which the vulgar herd of busy men lavish prodigal their restless exertions. To diffuse useful information,—to further intellectual refinement, sure forerunner of moral improvement,—to hasten the coming of the bright day when the dawn of general knowledge shall chase away the lazy, lingering mists, even from the base of the social great pyramid;—this indeed is a high calling, in which the most splendid talents and consummate virtue may well press onward, eager to bear a part. I know that I speak in a place consecrated by the pious wisdom of ancient times to the instruction of but a select portion of the community. Yet from this classic ground have gone forth those whose genius, not their ancestry, ennobled them; whose incredible merits have opened to all ranks the temple of science; whose illustrious example has made the humblest emulous to climb steeps no longer inaccessible, and enter the unfolded gates, burning in the sun. I speak in that city where Black having once taught, and Watt learned, the grand experiment was afterwards made in our day, and with entire success, to demonstrate that the highest intellectual cultivation is perfectly compatible with the daily cares and toils of working men; to shew by thousands of living examples that a keen relish for the most sublime truths of science belongs alike to every class of mankind.

To promote this, of all objects the most important, men of talents and of influence I rejoice to behold pressing forward in every part of the empire; but I wait with impatient anxiety to see the same course

pursued by men of high station in society, and by men of rank in the world of letters. It should seem as if these felt some little lurking jealousy, and those were somewhat scared by feelings of alarm—the one and the other surely alike groundless. No man of science needs fear to see the day when scientific excellence shall be too vulgar a commodity to bear a high price. The more widely knowledge is spread, the more will they be prized whose happy lot it is to extend its bounds by discovering new truths, or multiply its uses by inventing new modes of applying it in practice. Their numbers will indeed be increased, and among them more Watts and more Franklins will be enrolled among the lights of the world, in proportion as more thousands of the working classes, to which Franklin and Watt belonged, have their thoughts turned towards philosophy; but the order of discoverers and inventors will still be a select few, and the only material variation in their proportion to the bulk of mankind will be, that the mass of the ignorant multitude being progressively diminished, the body of those will be incalculably increased who are worthy to admire genius, and able to bestow upon its possessors an immortal fame.

To those, too, who feel alarmed as statesmen, and friends of existing establishments, I would address a few words of comfort. Real knowledge never promoted either turbulence or unbelief; but its progress is the forerunner of liberality and enlightened toleration. Whoso dreads these, let him tremble; for he may be well assured that their day is at length come and must put to sudden flight the evil spirits of tyranny and persecution, which haunted the long night now gone down the sky. As men will no longer suffer themselves to be led blindfold in ignorance, so will they no more yield to the vile principle of judging and treating their fellow creatures, not according to the intrin-

sic merit of their actions, but according to the accidental and involuntary coincidence of their opinions. The Great Truth has finally gone forth to all the ends of the earth, THAT MAN SHALL NO MORE RENDER ACCOUNT TO MAN FOR HIS BELIEF, OVER WHICH HE HAS HIMSELF NO CONTROL. Henceforword, nothing shall prevail upon us to praise or to blame any one for that which he can no more change than he can the hue of his skin or the height of his stature. Henceforward, treating with entire respect those who conscientiously differ from ourselves, the only practical effect of the difference will be, to make us enlighten the ignorance on one side or the other from which it springs, by instructing them, if it be theirs; ourselves, if it be our own, to the end that the only kind of unanimity may be produced which is desirable among rational beings—the agreement proceeding from full conviction after the freest discussion. Far then, very far, from the universal spread of knowledge being the object of just apprehension to those who watch over the peace of the country, or have a deep interest in the permanence of her institutions, its sure effect will be the removal of the only dangers that threaten the public tranquillity, and the addition of all that is wanting to confirm her internal strength.

Let me, therefore, indulge in the hope, that, among the illustrious youths whom this ancient kingdom, famed alike for its nobility and its learning, has produced, to continue her fame through after ages, possibly among those I now address, there may be found some one—I ask no more—willing to give a bright example to other nations in a path yet untrodden, by taking the lead of his fellow-citizens,—not in frivolous amusements, nor in the degrading pursuits of the ambitious vulgar,—but in the truly noble task of enlightening the mass of his countrymen, and of leaving his

own name no longer encircled, as heretofore, with barbaric splendour, or attached to courtly gewgaws, but illustrated by the honours most worthy of our rational nature—coupled with the diffusion of knowledge—and gratefully pronounced through all ages by millions whom his wise beneficence has rescued from ignorance and vice. To him I will say, "Homines ad Deos nullâ re propius accedunt quam salutem hominibus dando: nihil habet nec fortuna tua majus quam ut possis, nec natura tua melius quam ut velis servare quamplurimos." This is the true mark for the aim of all who either prize the enjoyment of pure happiness, or set a right value upon a high and unsullied renown.—And if the benefactors of mankind, when they rest from their pious labours, shall be permitted to enjoy hereafter, as an appropriate reward of their virtue, the privilege of looking down upon the blessings with which their toils and sufferings have clothed the scene of their former existence; do not vainly imagine that, in a state of exalted purity and wisdom, the founders of mighty dynasties, the conquerors of new empires, or the more vulgar crowd of evil-doers, who have sacrificed to their own aggrandisement the good of their fellow-creatures, will be gratified by contemplating the monuments of their inglorious fame:—theirs will be the delight—theirs the triumph—who can trace the remote effects of their enlightened benevolence in the improved condition of their species, and exult in the reflection, that the prodigious change they now survey, with eyes that age and sorrow can make dim no more—of knowledge become power—virtue sharing in the dominion—superstition trampled under foot—tyranny driven from the world—are the fruits, precious, though costly, and though late reaped, yet long enduring, of all the hardships and all the hazards they encountered here below!

# PRACTICAL OBSERVATIONS

UPON THE

# EDUCATION OF THE PEOPLE.

1825.

27053

# DEDICATION.

TO

## GEORGE BIRKBECK, M. D., F. R. S.,

PRESIDENT OF THE LONDON MECHANICS' INSTITUTION.

As I have chiefly in deference to your opinion, sanctioned by that of our fellow-labourers in the North, undertaken to make the following pages public at the present moment, I beg leave to inscribe them with your name.

You are aware that they contain a portion of a larger discourse, which more pressing but less agreeable pursuits have long prevented me from finishing, upon the important subject of Popular Education, in its three branches, Infant Schools, Elementary Schools (for reading and Writing), and Adult Schools. It is only with the second of these branches that the Legislature can safely interfere. Any meddling on the part of Government with the first would be inexpedient ;* with the last, perilous to civil and religious liberty. In confor-

* The necessity of the Legislature promoting Infant Schools has, since 1825, become apparent to all, and must be allowed to have far outstripped the measure here referred to.

mity with this opinion, I have brought the question of Elementary Education repeatedly before Parliament, where the lukewarmness of many, and the honest and by me ever to be respected scruples of some, have hitherto much obstructed my design; the other two branches belong to the country at large. Having, in concert with those friends who hold the same doctrines, endeavoured to establish Infant Schools, it seems to follow from the same view of the subject, that I should lend any little help in my power towards fixing public attention upon the Education of Adults; by discussing the best means of aiding the people in using the knowledge gained at Schools, for their moral and intellectual improvement.

A considerable portion of the Observations was inserted in the Edinburgh Review, together with a good deal of other matter, and with one or two statements in which I do not altogether concur.

# PRACTICAL OBSERVATIONS, &c.

I BEGIN by assuming that there is no class of the community so entirely occupied with labour as not to have an hour or two every other day at least, to bestow upon the pleasure and improvement to be derived from reading—or so poor as not to have the means of contributing something towards purchasing this gratification, the enjoyment of which, beside the present amusement, is the surest way both to raise our character and better our condition.—Let us consider how the attainment of this inestimable advantage may be most successfully promoted.

It is no doubt manifest, that the people themselves must be the great agents in accomplishing the work of their own instruction. Unless they deeply feel the usefulness of knowledge, and resolve to make some sacrifices for the acquisition of it, there can be no reasonable prospect of this grand object being attained. But it is equally clear, that to wait until the whole people with one accord take the determination to labour in this good work, would be endless. A portion of the community may be sensible of its advantages, and willing at any fair price to seek them, long before the same laudable feeling becomes universal; and their successful efforts to better their intellectual condition cannot

fail to spread more widely the love of learning, and the disrelish for sensual and vulgar gratifications.

But although the people must be the source and the instruments of their own improvement, they may be essentially aided in their efforts to instruct themselves. Impediments which might be sufficient to retard or wholly to obstruct their progress, may be removed; and efforts which, unassisted, might prove fruitless, arising perhaps from a transient, or only a partial enthusiasm for the attainment of knowledge, may, through judicious encouragement, become effectual, and settle into a lasting and universal habit. A little attention to the difficulties that principally beset the working classes in their search after information, will lead us to the knowledge both of the direction in which their more affluent neighbours can lend them most valuable assistance, and of the part which must be borne by themselves.

Their difficulties may all be classed under one or other of two heads—want of money, and want of time. To the first belongs the difficulty of obtaining those books and instructors which persons in easier circumstances can command; and to the second it is owing that the same books and instructors are not adapted to them, which suffice to teach persons who have leisure to go through the whole course of any given branch of science. In some lines of employment, there is a peculiar difficulty in finding time for acquiring knowledge; as in those which require severe labour, or, though less severe, yet in the open air; for here the tendency to sleep immediately after it ceases, and the greater portion of sleep required, oppose very serious obstacles to instruction; on the other hand, those occupations are less unfavourable to reflection, and have a considerable tendency to enlarge the mind.

The first method, then, which suggests itself for pro-

moting knowledge among the poor, is the encouragement of cheap publications; and in no country is this more wanted than in Great Britain, where, with all our expertness in manufactures, we have never succeeded in printing books at so little as double the price required by our neighbours on the continent. A gown, which any where else would cost half-a-guinea, may be made in this country for half-a-crown; but a volume, fully as well or better printed, and on paper which, if not as fine, is quite fine enough, and far more agreeable to the eyes, than could be bought in London for half a guinea, costs only six francs, or less than five shillings, at Paris. The high price of labour in a trade where so little can be done, or at least has been done by machinery, is one of the causes of this difference. But the direct tax upon paper is another; and the determination to print upon paper of a certain price is a third; and the aversion to crowd the page is a fourth. Now all of these, except the first, may be got over. The duty on paper is threepence a pound, which must increase the price of an octavo volume eightpence or ninepence; and this upon paper of every kind, and printing of every kind; so that if by whatever means the price of a book were reduced to the lowest, say to three or four shillings, about a fourth or a fifth must be added for the tax; and this book, brought as low as possible to accommodate the poor man, with the coarsest paper and most ordinary type, must pay exactly as much to Government as the finest hot-pressed work of the same size. This tax ought, therefore, by all means, to be given up; but though, from its being the same upon all paper used in printing, no part of it can be saved by using coarse paper, much of it may be saved by crowding the letterpress, and having a very narrow margin. This experiment has been tried of late in London upon a considerable scale; but it may

easily be carried a great deal further. Thus, Hume's History* has been begun; and one volume, containing about two and a half of the former editions, has been published.† It is sold for 6s. 6d.; but it contains a great number of cuts neatly executed; the paper is much better than is necessary; and the printing is perfectly well done. Were the cuts omitted, and the most ordinary paper and type used, the price might be reduced to 4s. or 4s. 6d.; and a book might thus be sold for 12s. or 14s., which now costs perhaps above two pounds. A repeal of the tax upon paper, which is truly a tax upon knowledge, and falls the heaviest upon those who most want instruction, would further reduce the price to 9s. or 10s.

The method of publishing in numbers is admirably suited to the circumstances of the classes whose income is derived from wages. Twopence is easily saved in a week by almost any labourer; and by a mechanic sixpence in a week may without difficulty be laid by. Those who have not attended to such matters, would be astonished to find how substantial a meal of information may be had by twopenny-worths. Seven numbers, for fourteenpence, comprise Franklin's Life and Essays; four for eightpence, Bacon's Essays; and thirty-six for six shillings, the whole of the Arabian Nights. Cook's Voyages, in threepenny numbers, with many good engravings, may be had complete for seven shillings; and Plutarch's Lives, for ten shillings, will soon be finished.‡ The Mirror, a weekly publication, containing much matter of harmless and even improving amusement, selected with very considerable taste,

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* It is to be regretted that any edition of this popular work should ever be published without notes, to warn the reader of the author's partiality when moved by the interest of civil and ecclesiastical controversy, and his careless and fanciful narrative when occupied with other events.

† Dolby's Cheap Histories. ‡ Limbird's Classics.

has besides, in almost every number, information of a most instructive kind. Its great circulation must prove highly beneficial to the bulk of the people. I understand, that of some parts upwards of 80,000 were printed, and there can be no doubt that the entertainment which is derived from reading the lighter essays, may be made the means of conveying knowledge of a more solid and useful description—a consideration which I trust the conductor will always bear in mind. The Mechanics' Magazine,* most ably edited by Mr Robertson, has from its establishment had an extensive circulation; and it communicates for threepence a-week far more valuable information, both scientific and practical, than was ever before placed within the reach of those who could afford to pay six times as much for it. A similar work is published at Glasgow upon the same plan. The Chemist, also for threepence, is learnedly and judiciously conducted by Mr Hodgkin, and contains an admirable collection of the most useful chemical papers and intelligence. A Mechanics' Register has lately been begun, and with immediate success. It is a weekly paper, for the same price; and although, being principally intended for the use of the workmen, it bestows peculiar attention on whatever concerns that order, yet the occurrences which it communicates, and the discussions which it contains, are also those most interesting to philosophers themselves. The day, indeed, seems now to break, when we may hope to see no marked line of separation between the two classes. I trust another distinction will also soon be known no more. The circulation of cheap works of a merely amusing kind, as well as of those

* Knight and Lacy; who have done great service by publishing other works of singular cheapness and merit. The Dictionary of Architecture is one of the most extraordinary in this respect.

connected with the arts, is at present very great in England; those of an aspect somewhat more forbidding, though at once moral, interesting, and most useful, is very limited; while in Scotland there is a considerable demand for them. Habits of reading longer formed in that country, have taught the inhabitants, that nothing in reality can be more attractive than the profound wisdom of every day's application, sustained by unbounded learning, and embellished with the most brilliant fancy, which so richly furnishes every page of the Essays of Bacon.

It is undoubtedly from the circumstance just mentioned, that in looking over the list of those cheap publications, which are unconnected with the arts, we certainly do not find many that are of a very instructive cast; and here it is that something may be done by way of encouragement. That the demand for books, cheap as well as dear, must tend to produce them, no one denies; but then it is equally certain, that the publication of cheap books increases the number of readers among the poor; and one can hardly conceive a greater benefit than those would confer, who should make a judicious selection from our best authors upon ethics, politics, and history, and promote cheap editions of them in numbers, without waiting until the demand was such as to make the sale a matter of perfect certainty. Lord John Russell, in his excellent and instructive speech upon Parliamentary Reform, delivered in 1822, stated, that "an establishment was commenced a few years ago, by a number of individuals, with a capital of not less than a million, for the purpose of printing standard works at a cheap rate;" and he added, that it had been "very much checked in its operation by one of those acts for the suppression of knowledge which were passed in the year 1819, although one of its rules was not to allow the venders of its works to

sell any book on the political controversies of the day." The only part of this plan which appears at all objectionable, is the restriction upon politics. Why should not political, as well as all other works, be published in a cheap form, and in numbers? That history, the nature of the constitution, the doctrines of political economy, may safely be disseminated in this shape, no man now-adays will be hardy enough to deny. Popular tracts, indeed, on the latter subject, ought to be much more extensively circulated for the good of the working classes, as well as of their superiors. The interests of both are deeply concerned in sounder views being taught them; I can hardly imagine, for example, a greater service being rendered to the men, than expounding to them the true principles and mutual relations of population and wages; and both they and their masters will assuredly experience the effects of the prevailing ignorance upon such questions, as soon as any interruption shall happen in the commercial prosperity of the country, if indeed the present course of things, daily tending to lower wages as well as profits, and set the two classes in opposition to each other, shall not of itself bring on a crisis. To allow, or rather to induce the people to take part in those discussions, is therefore not merely safe, but most wholesome for the community, and yet some points connected with them are matter of pretty warm contention in the present times; but these may be freely handled, it seems, with safety; indeed, unless they are so handled, such subjects cannot be discussed at all. Why, then, may not every topic of politics, party as well as general, be treated of in cheap publications? It is highly useful to the community that the true principles of the constitution, ecclesiastical and civil, should be well understood by every man who lives under it. The great interests of civil and religious liberty are mightily pro-

moted by such wholesome instruction; but the good order of society gains to the full as much by it. The peace of the country, and the stability of the Government, could not be more effectually secured than by the universal diffusion of this kind of knowledge. The abuses which through time have crept into the practice of the constitution, the errors committed in its administration, and the improvements which a change of circumstances require even in its principles, may most fitly be expounded in the same manner. And if any man or set of men deny the existence of such abuses, see no error in the conduct of those who administer the government, and regard all innovation upon its principles as pernicious, they may propagate their doctrines through the like channels. Cheap works being furnished, the choice of them may be left to the readers. Assuredly, a country which tolerates every kind, even the most unmeasured, of daily and weekly discussion in the newspapers, can have nothing to dread from the diffusion of political doctrines in a form less desultory, and more likely to make them be both well weighed at the time, and preserved for repeated perusal. It cannot be denied that the habit of cursory reading, engendered by finding all subjects discussed in publications, which, how great soever their merits may be, no one looks at a second time, is unfavourable to the acquisition of solid and permanent information.

Although the publication of cheap works is the most effectual method of bringing knowledge within the reach of a poor man's income, there are other modes deserving our attention, whereby a similar assistance may be rendered, and his resources economized. Circulating libraries may in some circumstances be of use; but, generally speaking, they are little suited to those who have only an hour or two every day, or every other day, to bestow upon reading. *Book Clubs*, or *Reading*

*Societies*, are far more suited to the labouring classes, may be established by very small numbers of contributors, and require an inconsiderable fund. If the associates live near one another, arrangements may be easily made for circulating the books, so that they may be in use every moment that any one can spare from his work. Here, too, the rich have an opportunity presented to them of promoting instruction without constant interference; the gift of a few books, as a beginning, will generally prove a sufficient encouragement to carry on the plan by weekly or monthly contributions; and with the gift a scheme may be communicated, to assist the contributors in arranging the plan of their association. I would here remark the great effect of combination upon such plans, in making the money of individuals go far. Three-halfpence a-week laid by in a whole family, will enable it to purchase in a year one of the cheap volumes of which I have spoken above; and a penny a-week would be sufficient, were the publications made as cheap as possible. Now, let only a few neighbours join, say ten or twelve, and lend each other the books bought, and it is evident, that for a price so small as to be within the reach of the poorest labourer, all may have full as many books in the course of the year as it is possible for them to read, even supposing that the books bought by every one are not such as all the others desire to have.* The publication of books in numbers greatly helps this plan; for it ena-

* It is found that the average number of volumes read by the members of a Mechanics' Institution, in a great town, is between 10 and 11 a-year; by the members of a book society, in the villages of an agricultural district, between 5 and 6. Now, the cheap books contain between two and three times the matter in the ordinary publications; therefore, it is evident, that such an association as that proposed, would have three times as much reading as is wanted in towns, and five or six times as much as in the country.

bles those who choose to begin it at any time, without waiting until they have laid by enough to purchase a volume in each family; and where books not so published are wanted, booksellers would do well to aid such associations by giving them a year's credit; whatever propagates a taste for reading must secure their interest in the end. In many parts of Scotland, *Parish Libraries* have been formed with a view to the same object. They originated, I believe, in general with the wealthier classes and the farmers; but after laying the foundation by collecting a few books, those persons left the management most wisely to the readers themselves, and required them to pay for the support of the fund and purchase of new books. *Cottage Libraries*, upon a somewhat similar plan, are beginning to be formed in some parts of England. There is one at Taunton, where the contributors pay only a penny a-week; and above a thousand issues of books have been made to eighty persons in the course of a year. The only officers are a treasurer and librarian, who attend every Saturday evening, to exchange the books and receive subscriptions. They also select the books; a faulty arrangment in my opinion, unless the officers are themselves chosen by the readers. The obvious and the sound plan is to establish some general regulation respecting the kind of books to be purchased (which must, in some degree, depend on the circumstances of each association), and then to let each contributor choose in proportion to what he pays, or to let several join in choosing a book equal in price to their united contributions. If the rich patrons of the scheme wish to interfere with the choice, it should be either by giving books, or choosing in proportion to their pecuniary contribution. But I confess I should be better pleased to see such libraries, after they are once established, left wholly to the support of the readers, who are sure

to care for them if they pay for them, long after richer patrons would tire of the details.

An excellent plan was about ten years ago adopted by Mr S. Brown, of Haddington, for instructing the towns and villages of the county of East Lothian, in succession, by means of the same books. It began with only a few volumes; but he now has 19 *Itinerant Libraries* of 50 volumes each, which are sent round the different stations, remaining a certain time at each. For these there are 19 divisions, and 15 stations, 4 divisions being always in use at the chief town, and 2 at another town of some note. An individual at each station acts as librarian. There are 700 or 800 readers, and the expenses, under L.60 a-year, are defrayed by the produce of a sermon, the sale of some tracts, and subscriptions, in small sums averaging 5s. This plan is now adopted in Berwickshire, by Mr Buchan of Kelloe, with this very great improvement, that the current expenses are defrayed by the readers, who pay twopence a month, and I hope choose the books. These libraries have given rise to a scientific institution, as we shall presently see; and it is peculiarly gratifying to observe that the original scheme from which the whole has followed, was merely a library for *religious tracts*, established ever since 1810; and into which were afterwards introduced, in perfect consistency with the primary object, some literary and scientific works.

It is, however, not only necessary that the money of the working classes, but their time also, should be economized; and this consideration leads to various suggestions.

In the *first* place, there are many occupations in which a number of persons work in the same room; and unless there be something noisy in the work, one may always read while the others are employed. If

there are twenty-four men together, this arrangement would only require each man to work one extra day in four weeks, supposing the reading to go on the whole day, which it would not; but a boy or a girl might be engaged to perform the task, at an expense so trifling as not to be felt. This expedient, too, it may be observed, would save money as well as time; one copy of a book, and that borrowed for the purpose, or obtained from a reading society or circulating library, would suffice for a number of persons. I may add, that great help would be given by the better informed and more apt learners, to such as are slower of apprehension and more ignorant; and discussion (under proper regulations) would be of singular use to all, even the most forward proficients; which leads me to observe,

*Secondly*, That societies for the express purpose of promoting conversation are a most useful adjunct to any private or other education received by the working classes. Those who do not work together in numbers, or whose occupation is of a noisy kind, may thus, one or two evenings in the week, meet and obtain all the advantages of mutual instruction and discussion. An association of this kind will naturally combine with its plan the advantages of a book club. The members will most probably be such as have engaged in similar pursuits, and whose train of reading and thinking may be nearly the same. The only considerable evils which they will have to avoid, are, being too numerous, and falling too much into debate. From twenty to thirty seems a convenient number; and nearer the former than the latter. The tone ought to be given from the beginning, in ridicule of speech-making, both as to length and wordiness. A subject of discussion may be given out at one meeting for the next; or the chairman may read a portion of some work, allowing each member to stop him at any moment, for the purpose of contro-

verting, supporting, or illustrating by his remarks the passage just read. To societies of this kind master-workmen have the power of affording great facilities. They may allow an hour on the days when the meetings are holden ; or if that is too much, they may allow the men to begin an hour earlier on those days ; or if even that cannot be managed, they may let them have an hour and a half, on condition of working half an hour extra on three other days. But a more essential help will be the giving them a place to meet. There are hardly twenty or thirty workmen in any branch of business, some of whose masters have not a room, workshop, warehouse, or other place sufficient to accommodate such a society : and it is quite necessary that the place of rendezvous should on no account be the alehouse. Whoever lent his premises for this purpose, might satisfy himself that no improper persons should be admitted, by taking the names of the whole club from two or three steady men, who could be answerable for the demeanour of the rest. Any interference beyond this would be unwise ; unless in so far as the men might voluntarily consult their masters from time to time ; and their disposition to do so must depend wholly upon the relations of kindness and mutual confidence subsisting between the parties. If any difficulty should be found in obtaining the use of a room from their masters, there seems to be no good reason why they should not have the use of any school-room that may be in their neighbourhood ; and one room of this kind may accommodate several societies ; three, if the meetings are twice a-week ; and six, if they only meet once. I shall presently illustrate this matter further when I come to speak of the Glasgow Institution.

In the *third* place, it is evident that as want of time prevents the operative classes from pursuing a systematic course of education in all its details, a more sum-

mary and compendious method of instruction must be adopted by them. The majority must be content with never going beyond a certain point, and with reaching that point by the most expeditious route. A few, thus initiated in the truths of science, will no doubt push their attainments much further; and for these the works in common use will suffice; but for the multitude it will be most essential that works should be prepared adapted to their circumstances. Thus, in teaching them geometry, it is not necessary to go through the whole steps of that beautiful system, by which the most general and remote truths are connected with the few simple definitions and axioms; enough will be accomplished, if they are made to perceive the nature of geometrical investigation, and learn the leading properties of figure. In like manner, they may be taught the doctrines of mechanics with a much more slender previous knowledge both of geometry and algebra, than the common elementary works on dynamics presuppose in the reader. Hence, a most essential service will be rendered to the cause of knowledge by him who shall devote his time to the composition of elementary treatises on the Mathematics, sufficiently clear, and yet sufficiently compendious, to exemplify the method of reasoning employed in that science, and to impart an accurate knowledge of the most useful fundamental propositions, with their application to practical purposes; and treatises upon Natural Philosophy, which may teach the great principles of physics, and their practical application, to readers who have but a general knowledge of mathematics, or who are even wholly ignorant of the science beyond the common rules of arithmetic. Nor let it be supposed, that the time thus bestowed is given merely to instruct the people in the rudiments of philosophy, though this would of itself be an object sufficiently brilliant to allure the noblest ambition; for

what higher achievement did the most sublime philosophy ever aspire after, than to elevate the views and refine the character of the great mass of mankind—at least in later times, when science no longer looks down as of old upon the multitude, supercilious, and deeming that great spirits alone perish not with the body? But if extending the bounds of science itself be the grand aim of all philosophers in all ages, they indirectly, but surely, accomplish this object, who enable thousands to speculate and experiment for one to whom the path of investigation is now open. It is not necessary that all who are taught, or even any large proportion, should go beyond the rudiments; but whoever feels within himself a desire and an aptitude to proceed further, will press forward; and the chances of discovery, both in the arts and in science itself, will be thus indefinitely multiplied. Indeed, those discoveries immediately connected with experiment and observation, are most likely to be made by men, whose lives being spent in the midst of mechanical operations, are at the same time instructed in the general principles upon which these depend, and trained betimes to habits of speculation. He who shall prepare a treatise simply and concisely unfolding the doctrines of Algebra, Geometry, and Mechanics, and adding examples calculated to strike the imagination, of their connection with other branches of knowledge, and with the arts of common life, may fairly claim a large share in that rich harvest of discovery and invention which must be reaped by the thousands of ingenious and active men, thus enabled to bend their faculties towards objects at once useful and sublime.

Although much may be done by the exertions of individuals, it is manifest that a great deal more may be effected by the labours of a body, in furthering this important measure. The subject has for some time past been under consideration, and I am not without hopes

of seeing formed a Society for promoting the composition, publication, and distribution of cheap and useful works. To qualify persons for becoming efficient members of this association, or co-operating with it all over the country, neither splendid talents, nor profound learning, nor great wealth are required. Though such gifts, in their amplest measure, would not be thrown away upon so important a design, they are by no means indispensable to its success. A well-informed man of good sense, filled with the resolution to obtain for the great body of his fellow-creatures, that high improvement which both their understandings and their morals are by nature fitted to receive, may labour in this good work, either in the central institution or in some remote district, with the certainty of success, if he have only that blessing of leisure for the sake of which riches are chiefly to be coveted. Such a one, however averse by taste or habit to the turmoil of public affairs, or the more ordinary strifes of the world, may in all quiet and innocence enjoy the noblest gratification of which the most aspiring nature is susceptible; he may influence by his single exertions the character and the fortunes of a whole generation, and thus wield a power to be envied even by vulgar ambition for the extent of its dominion—to be cherished by virtue itself for the unalloyed blessings it bestows.

*Fourthly*, The preparation of elementary works is not the only, nor, at first, is it the most valuable service that can be rendered towards economizing the time of the labouring classes. The institution of lectures is, of all the helps that can be given, the most valuable, where circumstances permit; that is, in towns of a certain size. Much may thus be taught, even without any other instruction; but, combined with reading, and subservient to it, the effects of public lectures are great indeed, especially in the present defi-

ciency of proper elementary works. The students are enabled to read with advantage; things are explained to them which no books sufficiently illustrate; access is afforded to teachers, who can remove the difficulties which occur perpetually in the reading of uneducated persons; a word may often suffice to get rid of some obstacle which would have impeded the unassisted student's progress for days; and then, whatever requires the performance of experiments to become intelligible, can only be learnt by the bulk of mankind at a lecture, inasmuch as the wealthy alone can have such lessons in private; and none but men highly gifted can hope to master those branches of science without seeing the experimental illustrations.

The branches of knowledge to which these observations chiefly apply, are Mechanical Philosophy and Chemistry, both as being more intimately connected with the arts, and as requiring more explanation and illustration by experiment. But the Mathematics, Astronomy, and Geology, the two former especially, are well fitted for being taught publicly, and are of great practical use. Nor is there any reason why Moral and Political Philosophy should not be explained in public lectures, though they may be learnt by reading far more easily than the physical sciences.

In all plans of this description, it is absolutely necessary that the expenses should mainly be defrayed by those for whose benefit they are contrived. It is the province of the rich to lay the foundation, by making certain advances which are required in the first instance, and enabling the poor to come forward, both as learners and contributors. But no such scheme can either take a deep root, or spread over the country so as to produce its full measure of good, unless its support is derived from those who are chiefly to reap the benefits. Those benefits are well worth the paying

for; they are not only of great value in the improvement and gratification which they afford to the mind, but in the direct addition which they make to the pecuniary resources of the labouring classes. Instruction in the principles upon which the arts depend, will repay in actual profit to those who live by the arts, far more than the cost of learning. An artisan, a dyer, an engine-maker, will gain the more in money or money's worth for being an expert chemist or mechanician; and a farm-servant, or bailiff, for knowing the economy and diseases of cattle. I have before me the extract of a letter from one of the greatest engine-makers in the country, stating, that a young man in humble life had been selected from among many applicants, to fill a considerable place in the manufactory, on account of his proficiency in science. The profit directly accruing from the knowledge of those sciences provides an immediate fund, out of which the cost of acquiring it may be easily defrayed; but a fund is as certainly, though somewhat more remotely secured for repaying, with large interest, the expense of acquiring knowledge of a more general description—those branches of learning which improve the morals, expand the understanding, and refine the taste. That invaluable fund is composed of the savings made by substituting pure and harmless and cheap gratifications, in the stead of luxuries which are both grosser and more costly—hurtful to the health, and wasteful of time.

The yearly cost of a lecture in the larger cities, where enlightened and public-spirited men may be found willing to give instruction for nothing, is indeed considerably less than in smaller places, where a compensation must be made for the lecturer's time and work. But it seems advisable, that, even where gratuitous assistance could be obtained, something like an adequate remuneration should be afforded, both to pre-

serve the principle of independence among the working classes, and to secure the more accurate and regular discharge of the duty. We shall therefore suppose, that the lectures, as well as the current expenses of the room, and where there are experiments, of the apparatus, are to be paid for; and still it appears by no means an undertaking beyond the reach of those classes. The most expensive courses of teaching will be those requiring apparatus; but those are likewise the most directly profitable to the scholars. Contributions may be reckoned upon to begin the plan, including the original purchase of apparatus; and then we may estimate the yearly cost, which alone will fall upon the members of the association. The hire of a room may be reckoned at L.30; the salary of a lecturer, L.40; wear and tear of apparatus, L.20; assistant and servant, L.10; clerk or collector, L.10; fire and lamps, L.5; printing and advertising, L.15; making in all L.130. But if two or three courses be delivered in the same room, the expenses of each will be reduced in proportion. Suppose three: the room may probably be had for L.50, the printing for L.20, and the servants for L.30; so that the expense of each course will be reduced to about L.100. Each course may occupy six months of weekly lectures; consequently, if only a hundred artisans are to be found who can spare a shilling a-week, one lecture may be carried on for L.130; and if 120 artisans can be found to spare a shilling a-week, three courses may be carried on during the year, and each person attend the whole. This calculation, however, supposes a very considerable town. If the families engaged in trade and handicrafts have, one with another, a single person contributing, the number of 100 answers to a population of 770, supposing the proportion of persons engaged in trade and handicrafts to be the same as in the West Riding

of Yorkshire; and 710, taking the proportion of Lancashire. If, indeed, we take the proportions in the manufacturing towns, it will answer in some cases to a population of 5500, and in others of little more than 500. But even taking the proportion from towns in the least manufacturing counties, as Huntingdonshire, the population required to furnish 100 will not exceed 900—which supposes a town of about 200 houses. One of three times the size is but an inconsiderable place; and yet in such a place, upon a very moderate computation, 200 persons might easily be found to spare sixpence a-week all the year round; which would be amply sufficient for two lectures. In the larger towns, where 500 or 600 persons might associate, five shillings a-quarter would be sufficient to carry on three or four lectures, and leave between L.150 and L.200 a-year for the purchase of books.

In estimating the expenses, I have supposed a room to be hired and the rent to be moderate. To make a beginning, the parties must make a shift with any public room or other place that may be vacant; the great point is to begin: the numbers are certain to increase, and the income with the numbers, as the plan becomes known and its manifold attractions operate upon the people. For the same reason I reckon a small sum for apparatus. Great progress may be made in teaching with very cheap and simple experiments. Indeed, some of the most important, if not the most showy, are the least costly and complicated. By far the grandest discoveries in natural science were made with hardly any apparatus. A pan of water and two thermometers were the tools that in the skilful hands of Black detected latent heat; a crown's worth of glass, threepenny-worth of salt, a little chalk, and a pair of scales, enabled the same great philosopher to found the system of modern chemistry, by tracing the existence and the combina-

tions of fixed air; with little more machinery the genius of Scheele* created the materials of which the fabric was built, and anticipated some of the discoveries that have illustrated a later age; a prism, a lens, and a sheet of pasteboard, enabled Newton to unfold the composition of light, and the origin of colours; Franklin† ascertained the nature of lightning with a kite, a wire, a bit of ribband, and a key:—to say nothing of the great chemist of our own day,‡ of whose most useful, perhaps most philosophical discovery, the principle might have been traced with the help of a common wire fire-guard. Even the elements of mechanics may be explained with apparatus almost as cheap and simple. —To take one instance; the fundamental property of the lever (and I may say of the whole science), may be demonstrated by a foot rule, a knife, and a few leaden balls of equal size. The other mechanical powers (which are indeed for the most part resolvable into the lever), may be explained with almost equal ease; and after all, it is those principles that practical men most require to have unfolded, and their application to mechanism illustrated, by figures and instruments. Machinery, even in its complicated form, is more easily understood by them, because they are in practice familiar with its operations and terms, and will follow the description of an engine and its workings without a model, or at most with a drawing, far more readily than the learners of natural science in other conditions of life. The simplification of apparatus for teaching physical science is an important object, and one to which learned men may most usefully direct their attention. There cannot be a doubt, that a compendious set of machines may be constructed to illustrate at a very cheap price a whole course of lectures. Certain parts may be pre-

* A working chemist. † A working printer. ‡ Sir Humphry Davy.

pared capable of being formed into various combinations, so as to present different engines; and where separate models are necessary, their construction may be greatly simplified by omitting parts which are not essential to explain the principle, and shew the manner of working. The price, too, will be greatly reduced when a larger number being required of each, they may be prepared by wholesale. A friend of mine is at present occupied in devising the best means of simplifying apparatus for lectures upon the mechanical powers; and cheap chemical laboratories may then receive his consideration. It is likewise in contemplation at a great manufacturing establishment, where every part of the machinery is made upon the spot, to prepare a number of sets of cheap apparatus for teaching, so that any Mechanics' Institution may on very moderate terms be furnished at least with what is necessary for carrying on a course of dynamics. The drawings may be multiplied by the polygraphic methods generally in use.

The difficulty of obtaining a fit lecturer is one likely for some time to be much felt, especially in small towns. One method of removing it is by sending an experienced teacher from place to place; and the man qualified for the task, who should fastidiously reject so useful and so honourable an occupation, might be a man of science, but would little deserve to be called a philosopher. No talents and no acquirements are too great to be thus applied; and no use to which parts and learning can be put is more dignified. But another supply of instructors will soon be ready. Each Institution now established must in a short time form teachers. Among a great number of students, some must be found to make such progress as will qualify them for the office. In the Edinburgh School of Arts, a joiner has for some time past been teaching mathematics, which he learnt there. At Glasgow, a person of the

same trade, who had been taught at the school established by Dr Birkbeck, has lectured on geography, chemistry, and mechanics. These instances prove that the men will be able to teach; it is equally clear that the wages of a lecturer will make them turn their attention to this business in places where one is wanted.

After all, it may often happen that a lecture cannot be undertaken on however moderate a plan; in that case it will be advisable to begin with a library, to which a lecture may afterwards be added.—This was the course pursued at Kendal, where a "*Mechanics' and Apprentices' Library*" was begun last spring, and in autumn a course of lectures was delivered upon the Philosophy of Natural History. At Carlisle, and I believe at Hawick, the same method has been adopted.

I have remarked, that in forming these Institutions, it is a fundamental principle to make the expenses be mainly defrayed by the mechanics themselves; it is another principle, in my opinion equally essential, that they should have the principal share in the management. This seems necessary for securing both the success and the independence of the system. Nor is there the least reason to apprehend mismanagement. If benefit societies are, upon the whole, well managed, we may rely upon institutions being still better conducted, where the improvement of the mind being the object, those only will ever take an active part, who are desirous of their own advancement in knowledge, and of the general instruction of the class to which they belong. Indeed, there seems no better means of securing the continued attention of the Directors, than placing the direction in the hands of those who are alone interested in the prosperity of the concern. Neither is there any fear that the suggestions of persons in a higher station, and of more ample information, may not be duly attended to. Gratitude for the assist-

ance received, and the advice offered, together with a conviction that the only motive for interfering is the good of the establishment, will give at least their just weight to the recommendations of patrons; and if it were not always so, far better would it be to see such influence fail entirely, than to run the risk of the apathy which might be occasioned among the men, and the abuse of the Institutions themselves, which might frequently be produced by excluding from the controul of their affairs those whose interests are the only object in view. The opinions of patrons are always sure to have influence as long as their object plainly is to promote the good of those for whom the Institution was founded; and as soon as they are actuated by any other views, it is very fit that their influence should cease. There is nearly as little reason to apprehend, that the necessity of discussing, at meetings of the members, the affairs of the Institution, will give rise to a spirit of controversy and a habit of making speeches. Those meetings for private business will of course be held very seldom; and a feeling may always be expected to prevail, that the continuance of the establishment depends upon preserving union, notwithstanding any diversity of opinion in matters of detail, and upon keeping the discussion of rules and regulations subordinate to the attendance upon the lectures, the main object of the establishment. The time when information and advice are most wanted, with other assistance from the wealthy and the well-informed, is at the beginning of the undertaking; and at that time the influence of those patrons will necessarily be the most powerful. Much depends upon a right course being taken at first; proper rules laid down; fit subjects selected for lecture; good teachers chosen; and upon all these matters the opinions and wishes of those who chiefly contribute to found the several institutions, must receive great atten-

tion. What I have now stated, is not merely that which seems likely to happen by reasoning from the circumstances; it has in fact happened in the instances where the trial has been made on the largest scale. We have never found any inconvenience from this plan during the twelve months that our Mechanics' Institution in London has been established. In Glasgow, there is a much longer experience in its favour; with this addition, that a contrary plan having at one time been pursued there, the men ceased to interest themselves in the lecture; and the Institution declined. The extraordinary success of the new Institution, which now places it at the head of all such establishments, may chiefly be ascribed to its administration being in the hands of the men themselves.

I have said that the *independence* of these undertakings, as well as their success, is to be considered. I really should be disposed to view any advantage in point of knowledge gained by the body of the people, as somewhat equivocal, or at least as much alloyed with evil, if purchased by the increase of their dependence upon their superiors. They will always be abundantly thankful for the help afforded them in beginning such institutions, and quite ready to receive advice from those who render them assistance. But if the latter keep the management entirely in their own hands, they enforce the appeal to gratitude by something very like controul; and they hurt the character of those whom they would serve. For this reason, as well as for promoting more effectually and generally the establishment of these institutions, it is of the last importance that the yearly expense should be reduced to such a sum as can be wholly raised by the students. What they receive in money from their superiors will then be given once for all at the outset; what they receive from time to time in good counsel, and in teaching,

either by lectures or publications, shews much real kindness, confers a great benefit, and ensures a grateful return, without bringing into action any of those feelings alike painful and injurious, which arise from the assumption of authority grounded on the mere differences of rank and wealth.

It is now fit that we advert to the progress that has already been made in establishing this system of instruction. Its commencement was the work of Dr Birkbeck, to whom the people of this island owe a debt of gratitude, the extent of which it would not be easy, perhaps in the present age not possible, to describe; for as, in most cases, the effective demand precedes the supply, it would have been more in the ordinary course of things, that a teacher should spring up at the call of the mechanics for instruction; but long before any symptoms appeared of such an appetite on their part, and with the avowed purpose of implanting the desire in them, or at least of unfolding and directing it, by presenting the means of gratification, that most learned and excellent person formed the design, as enlightened as it was benevolent, of admitting the working classes of his fellow-countrymen to the knowledge of sciences, till then almost deemed the exclusive property of the higher ranks in society, and only acquired accidentally and irregularly in a few rare instances of extraordinary natural talents, by any of the working classes. Dr Birkbeck, before he settled in London, where he has since reached the highest station in the medical profession, resided for some time in Glasgow as professor in the Anderson College; and about the year 1800, he announced a course of lectures on Natural Philosophy, and its application to the Arts, for the instruction of mechanics. But a few at the first availed themselves of this advantage; by degrees, however, the extraordinary perspicuity of the teacher's method, the

judicious selection of his experiments, and the natural attractions of the subject, to men whose lives were spent in directing or witnessing operations, of which the principles were now first unfolded to them, proved successful in diffusing a general taste for the study; and when he left Glasgow two or three years afterwards, about seven hundred eagerly and constantly attended the class.

For some time after Dr Birkbeck's departure, the lectures of his able and worthy successor Dr Ure were well frequented; and when the number of the students began to decline, probably from the circumstance of their having no direct share in the management of the Institution, the Professor happily thought of adding to it a library for the use of the mechanics, and entrusting the direction of it entirely to a committee chosen by themselves. This gave new life to the enterprise, and the Gas Light Company having in return for some services rendered them by the Professor, agreed to light the book-room two evenings in the week, a custom arose among the men who came to change their books, of remaining to converse upon the subjects of their reading, and an extraordinary impulse was thus given to their spirit of inquiry. The Library Committee, too, being chosen by the whole body, became in some sort its representative, and claimed to interfere in the management of the Institution. It soon happened that some of their suggestions were not attended to; and a difference, at first to be regretted, led to consequences highly beneficial; for a great number seceded from the lectures and formed an Institution entirely under the management of the mechanics themselves. It has been successful beyond all expectation; a thousand working men attended it last winter, while the numbers of the parent establishment were scarcely diminished. Out of these public associations has arisen one upon a more

confined but most useful plan, applicable to every large manufactory. The Gas Light Company's men, between 60 and 70 in number, have formed themselves, on the suggestion of Mr Nelson the foreman, into a club for mutual instruction; laying by a small sum monthly, they have collected about 300 volumes, and the Company giving them a library room, which they light and heat, the men meet every evening to converse upon literary and scientific subjects, and once a week to lecture; any one who chooses, giving a fortnight's notice that he will treat on some subject which he has been studying. The books are of all kinds, with the exception of theology, which from the various sects the men belong to is of necessity excluded.*

It is somewhat singular, that although there are many towns in Scotland, and some within a short distance of Glasgow, where hundreds of artisans are collected, yet twenty years elapsed before the example was followed, and men profited by an experiment, which, for so long a period, was constantly before their eyes, and attended with such remarkable success. It was not till the year 1821 that Edinburgh adopted the plan with some variations, a part of which appear to be improvements.

The promoters of the measure began by drawing up a short sketch of the proposed Institution, and causing it to be circulated among the principal master mechanics, with a request that they would read it in their workshops, and take down the names of such of the men as were desirous of being taught the principles of those sciences most useful to artisans. In the course of ten days, between 70 and 80 names were entered; and

* I owe this interesting information to an admirable letter of Mr D. Bannatyne to Dr Birkbeck, in the Mechanics' Register. Mr B. as early as 1817 strongly recommended to the country the extension of Dr B.'s plan, in a valuable paper which he contributed to Mr M. Napier's Encyclopædia.

a private meeting was held of a few gentlemen who were disposed to encourage the experiment. These resolved to begin a subscription for the purpose. In April 1821, they circulated a prospectus among the mechanics, announcing the commencement of a Course of Lectures on Mechanics, and another on Chemistry, in October following,—with the opening of a Library of Books upon the same subjects, for perusal at home as well as in the room; the hours of lecture to be from eight to nine in the evening, twice a week for six months; and the terms of admission to the whole, both lectures and library, fifteen shillings a-year. A statement was then issued to the public at large, announcing the establishment of a "*School of Arts*," with the particulars of the plan; and so well was it received, by all classes, that in September, notice was given of 220 mechanics having entered as students, and such a sum having been subscribed by the public, as enabled the Directors to open the establishment in October. When 400 had purchased tickets, the two courses of lectures were delivered by Dr Forbes and Mr Galbraith; to which one on Architecture and one on Farriery were added, with a class for architectural and mechanical Drawing during the summer recess.

The Mechanical Lectures had hardly begun, when some of the students; finding the want of mathematical knowledge, proposed to form themselves into a class, under one of their own number, a joiner, who had agreed to teach them gratuitously the Elements of Geometry, and the higher branches of Arithmetic. This suggestion was warmly approved of by the Directors, and some assistance in books being given, thirty met once a-week for Geometry, and once for Arithmetic; and adopting the plan of mutual instruction, they arranged the class in five divisions, each under the best scholar as a Monitor, and going over in one night the

lessons of the night before. The number of this class being limited to thirty, those who were excluded formed another on the same plan, under a cabinet-maker, also a student of the School of Arts. The joiner's name is James Yule; the cabinet-maker's, David Dewar; and their successful exertions to teach their fellow-workmen are deserving of very great commendation. Mr Galbraith, the Mechanical Professor, adopted the plan of setting exercises to his pupils; and a list has been published of those who chiefly distinguished themselves by the number and accuracy of their solutions, being 25 persons.

The average receipts of the two first years were, from subscriptions, L.448 yearly, and from the students L.300. The average expenditure was about L.620, and a saving of L.300 was made towards building a lecture-room. The expenditure includes, for furniture and apparatus, L.216 a-year; for books and binding, L.110; and for expenses incident to the subscriptions, as advertisements, collection and meetings, about L.70; —leaving of current necessary expenses, about L.220 only: so that, if the extrinsic subscriptions were at an end, or were confined to the accumulation of a fund for building, the students could themselves carry on the establishment, and have a surplus of L.80 a-year for the wear and tear, and increase, of the apparatus and library; and if their contributions were increased to a pound yearly, which would probably make very little, if any, difference in the numbers of students, an additional L.100 would be afforded for the better payment of the Lecturers, or, if they continue satisfied, for the establishment of new lectures. This statement is important, as confirming the calculation formerly given, and shewing, that, in places where the rich are less liberally inclined than in Edinburgh, the same invaluable establishments may easily be formed and perpetu-

ated, by a judicious encouragement given at first to the mechanics, and without the necessity of relying upon continued assistance from those who first promoted and aided them.*

As nothing can be more useful to the community of that great and enlightened city than the formation of this establishment, so nothing can be more honourable to the inhabitants than the zeal and the harmony with which all ranks have united in conducting it, and all parties among the rich in giving it their support. To Mr Leonard Horner, in particular, with whom the plan originated, and who has principally had the superintendence of its execution, the most grateful acknowledgments are deservedly due; and I trust I may so far use the privilege of ancient friendship, as to express my conviction that there is no one exertion in which his greatly lamented brother would, had he been preserved to us, have borne a deeper interest, and no object which he would more willingly have seen connected with his name.

The complete success of Dr Birkbeck's plan, both at Glasgow originally, and afterwards in a place abounding far less with artisans, very naturally suggested the idea of giving its principles a more general diffusion by the only means which seem in this country calculated for universally recommending any scheme—its adoption in London. An Address was published by Messrs Robertson and Hodgkin, in the Mechanics' Magazine, October 1823; and the call was answered promptly by Dr Birkbeck himself, and other friends of education, as well as by the master mechanics and workmen of the

* It has been thought proper to vest the management of this institution wholly in the subscribers. Local considerations, of which I cannot pretend to be a judge, may have rendered this necessary; but it seems, according to the most obvious principles, inconsistent with the prosperity and permanence of the plan.

metropolis. A meeting was held in November; the Mechanics' Institution was formed; a subscription opened; and a set of regulations adopted. Of these, by far the most important, and one which in common, I believe, with all my colleagues, I consider to be altogether essential, provides that the Committee of Management shall be chosen by the whole students, and consist of at least two-thirds working men. The plan was so speedily carried into execution, that in January Dr Birkbeck, our president, most appropriately opened the Institution with an introductory address to many hundred workmen, crowding from great distances, in the worst season, and after the toils of the day were over, to slake that thirst of knowledge which forms the most glorious characteristic of the age; nor was the voluntary offer of a course of lectures upon Mechanics less appropriate on the part of Professor Millington, who with an honest pride declared to his audience, that he had originally belonged to the same class with themselves. In the course of the year, lectures were delivered by Mr Phillips on Chemistry, Mr Dotchin on Geometry, Dr Birkbeck on Hydrostatics, Mr Cooper on the application of Chemistry to the Arts, Mr Newton on Astronomy, Mr Tatum on Electricity, and Mr Black on the French language, to great and increasing numbers of workmen. About a thousand now belong to the Institution, and pay 20s. a-year. Temporary accommodation has hitherto been provided at the chapel in Monkwell Street, formerly Dr Lindsey's; and if upon such a subject we might make any account of omens, surely a scheme for the improvement of mankind could not be commenced under happier auspices than in the place which so virtuous and enlightened a friend of his country had once filled with the spirit of genuine philanthropy and universal toleration. But extensive premises have been procured in Southampton

Buildings, for the permanent seat of the Institution; and the foundation has been laid there of a spacious lecture-room, and other suitable apartments for the library and apparatus. The sum required for these buildings exceeds three thousand pounds; and it has been generously advanced by Dr Birkbeck. Others have made presents of money, books, and apparatus; and I should mention with greater admiration the gift of a thousand pounds from Sir Francis Burdett, but that those who know him and who mark his conduct, have so long since become accustomed to such acts of wise and splendid benevolence, that they cease to make us wonder. Let me further express my conviction, founded upon information, that the Mechanics of this great city are resolved, as they are well able, to perpetuate and extend the system; nor have I a doubt that they will, even if unassisted, erect other Institutions in those parts of the town which are too remote to benefit by the parent establishment.

The proceedings in London gave a great and general impulse to the friends of education in the country, and the town of Newcastle-upon-Tyne was the first to profit by it. An Institution for the instruction of Mechanics by books, lectures, and scientific meetings, was established in March 1824, and the first meeting was held, under the auspices of Mr Turner, who opened it with an excellent address on the 11th of May. The members are admitted by ballot; but any person paying 12s. a-year is eligible; and the Committee of Management consists of the workmen as well as their masters. The library consists already of 600 or 700 volumes. Beside benefactors, there are 240 subscribing members, and the meetings for discussion are held monthly; at these, papers are read and conversations entertained upon any scientific or literary subject, with two exceptions only—*controversial* divinity and *party*

politics. A fund is forming for the purchase of apparatus, and lectures will soon be commenced. Mr Turner, indeed, several years before the establishment of the society, had lectured upon Natural Philosophy to the working classes. The Literary Society which has so long flourished at Newcastle, supported by the rich, must have contributed greatly to the love of knowledge which is now diffusing its blessings among the other classes; and the excellent principle which it adopted of vesting no property or privileges in those who paid a sum by way of admission-money, but extending an equal share in its management and advantages to yearly subscribers, has been strictly acted upon by the founders of the new institution.

It is remarkable that the next example in point of time should be furnished by so inconsiderable a town as Kendal, of not more than 8000 inhabitants; and this instance is the more instructive because it shews how the system may be carried into effect with most limited resources. In April 1824, it was resolved to form a "*Mechanics' and Apprentices' Library and Institute;*" of which any person paying to the amount of three guineas in money or books, or 4s. yearly, might become a member, and be eligible as well as vote for the Committee of Management. There are 150 subscribing members, all of the working classes, beside 50 or 60 by payment for life. The library already amounts to 300 or 400 volumes; and I have a letter before me from the worthy president, Mr S. Marshall, stating that "the books are nearly all out at a time, such is the ardour for information." Original papers upon subjects of science and literature are read at the Quarterly Meetings; no topics being excluded from discussion except those of a polemical and party nature. A course of lectures was delivered upon the Philosophy of Natural History last autumn, and one on Mechanics will

be given this spring; probably one on Chemistry also. "Great delight is stated to have been expressed by the students who attended the lectures." Except that perhaps the meetings are too few, and the yearly subscription lower than might easily be afforded, the plan of this Institution is one of the best I have yet seen; and those errors, the last especially, are on the safe side, and may easily be corrected as the want of funds for lectures and apparatus may require, and the pleasure and profit attending a scientific education shall be more and more felt.

The principles upon which this flourishing Institution was founded have since been acted upon at Carlisle; and the fundamental one, which on every account is the most steadily to be kept in view, has been wisely recognised by a formal resolution, "that such institutions are likely to be most stable and useful when chiefly conducted by the mechanics themselves;" and by a rule that two-thirds of the committee, consisting of 21, shall be operative mechanics; the payment of five guineas, and a guinea a-year for seven years, makes a life member; the others pay 8s. a-year, and are admitted by the committee by ballot, and their sons or apprentices have all the benefits of the Institution. Above 300 volumes have been collected since November; 155 members have joined the Institution; a course of lectures on Natural Science has been delivered by Mr Nichol; and the workmen, who had attended it with increasing delight, presented him at the close with a silver box, of four guineas value, with twelve pounds inclosed. The secretary, Mr Dunbar, has been applied to by some good men in Dumfries, for information upon the manner of establishing a similar institution in that town; and I have a confident expectation that the example will be followed by Whitehaven, if not by the smaller towns. In truth, no place is too small for a

mechanics' library; and wherever the size will permit, such a beginning is sure to end in a lecture, or at least in some course of private instruction useful to the workmen. The town of Hawick has not above 4000 inhabitants; yet a mechanics' society and library has been established there for some time; and Mr Wilson, from Edinburgh, went thither in the autumn, and delivered a course of lectures on Natural Philosophy to 200 artisans. Out of the Haddington itinerant libraries there grew a School of Arts in 1821, established by some tradesmen who several years before had formed a society for scientific discussion: and lectures on Mechanics, Chemistry, and the Mathematics, have since been successfully delivered to the workmen by Dr Lorimer, and Messrs Gunn and Cunningham. In like manner, the example of Newcastle has been followed at Alnwick, a town of only 5000 inhabitants, where a library and a society have been founded by the exertion chiefly of Mr Johnston; and I have good reason to believe that the same design is in progress both at Morpeth and Hexham.

The great and wealthy and industrious town of Manchester might well be expected to be among the earliest and most zealous in establishing an Institution. This was resolved upon in April, and ample preparations appear to have been made for carrying the plan into execution; L.798 had been received before the end of July; of that sum L.243 were annual donations; and 191 mechanics had entered their names as subscribers, at L.1 a-year. A library is forming, and preparations making, I believe, for delivering a course of lectures. The management of the Institution, however, is entrusted to directors chosen by and among the honorary members only, and these are persons who either pay ten guineas at entrance, or a guinea a-year, beside the subscription of 20s. It becomes me to speak

with great diffidence upon the soundness of views which may have been suggested by local considerations unknown to distant observers; but I cannot avoid expressing my earnest wish that this part of the plan may be reconsidered by the excellent and enlightened men who have promoted so good a work. Perhaps the fact of nearly as many mechanics coming forward to join the societies formed in places like Carlisle and Kendal, upon the opposite principle, as at Manchester, where the population is at least tenfold, and the pursuits far more congenial, and where I know that 1200 of the Mechanics' Magazine were sold the first day it appeared, may give some weight to my anxious but most respectful suggestion.

The Mechanics' Institution of Leeds has been lately formed, principally through the exertions of Messrs Scott and Marshall. Any person recommended by two members is admitted upon paying L.2, and 10s. yearly; and any person for 5s. half-yearly is entitled to all its privileges, except that of taking part in the management. Two pounds seem too high for the admission of the workmen as generally as is desirable: a considerable number of them are no doubt members; and as such both vote and are eligible as directors, but the great majority of voters belong to the higher class. A slight change would remove this difficulty. There are 146 members and 136 subscribers already; books of the value of L.500 are purchased; and every thing is prepared for beginning a lecture, offers of gratuitous assistance having been received. The Institution is a very promising one, and the number of ingenious and public-spirited men in that neighbourhood ensures its success, provided no impediment be thrown in the way of a cordial co-operation on the part of the men. The most exemplary spirit of union among men of very different parties in religion and politics has been exhibit-

ed ; and the liberality of the masters is sure to be duly appreciated by those in their service.

The institutions which I have hitherto mentioned are formed avowedly for lectures as well as reading, and most of them have already been able to establish lectures. Some are by their plan confined to reading, and have not hitherto contemplated any further instruction ; but they may easily make the step. That of Liverpool deserves the first notice, as being earliest in point of time.

The Mechanics' and Apprentices' Library at Liverpool, established in July 1823, chiefly through the exertions of Mr E. Smith, comes ultimately, if I mistake not, from a very illustrious stock ; for it was formed upon the model of the plans which owe their origin to the Library Company of Philadelphia, founded by Franklin in 1731, and incorporated in 1742.* In six months, 800 volumes were collected, and 400 readers subscribed ; the library is now considerably increased, and there are above 600 readers. The sum paid is two guineas in money or books, for life, or 10s. 6d. a-year ; and every person paying either way has the privilege of recommending readers, who receive books on the guarantee of any member. The committee of direction is chosen by the whole members, and all are eligible. The method of keeping the different books of receipt,

* Although the remote origin of these institutions may be traced to Franklin, Mr W. Wood has the high merit of establishing them on their present plan, and adapting them peculiarly to the instruction of mechanics and apprentices. He founded the first at Boston in 1820 ; he has had the satisfaction of seeing the plan adopted in New York, Philadelphia, Albany, and other towns ; and I have now before me a letter in which he says that he has succeeded in forming one at New Orleans, where he was called on business. His plan is to obtain loans or gifts of books, which almost every one has beyond his own wants ; and he reckons 30,000 volumes thus obtained in different towns, and as many readers.

loan, register, guarantee, and catalogue, is admirably contrived for the quick and accurate dispatch of business; and is found so successful in practice, that 700 or 800 books are easily exchanged weekly in a very short time; 250 or 300 volumes being received from, and as many given out to, 200 readers in little more than an hour, without any confusion. Where there is so much to commend, I am unwilling to hint at any imperfection; but certainly a course of lectures might without difficulty be added to this prosperous establishment; and although any mechanic may for half a guinea enjoy all the privileges of a member as the society is now constituted, it is plain that the bulk of the members do not belong to this class, although, on the guarantee and recommendation of members, by permission of the committee they partake of its benefits. If all were admitted to the library and management on somewhat lower terms, or to the library and lectures upon those terms a little raised, and none allowed to partake of either for nothing, there can be no doubt that a greater interest would be excited among them, and the institution be more firmly established and more certain of extending its numbers.

A Mechanics' and Apprentices' Library was instituted at Sheffield in December 1823, and opened in the February following, under the able and zealous superintendence of Mr Montgomery, a name well known in the literary world, and held in deserved honour by philanthropists. The rules appear to me most excellent. In the workmen is vested the property, in shares of 5s. each paid at first, and they afterwards pay 6s. a-year; they form the class of *proprietors;* the others, the *honorary* members, present gifts in money and books, and may, if chosen by the body at large, fill the offices, but have no share in the property. The committee may consist entirely of proprietors, and must

have two-thirds from that body. Apprentices have the use of the books for 4s. yearly. The librarian is to attend daily, and have the care of the property; he is therefore paid; perhaps this might be rendered unnecessary by adopting some of the judicious regulations established at Liverpool, and exchanging the books once a-week. Every donor of a book must write his name in it, as a kind of check; and a rule has been made, as I understand, after a very thorough and somewhat earnest discussion, giving an appeal against the admission of books to the ministers of the different denominations who are subscribers; this rule has, however, never yet been acted upon. Members lose the benefits of the society if in the workhouse or in prison; but are restored when liberated without payment of their arrears. Of this admirable institution there are now 360 members; of whom 310 are proprietors, and the numbers of these increase daily. There are 1400 volumes, including some most liberal donations; all collected in nine months; and thirty apprentices receive the benefits of the society on the terms already stated. A library and philosophical society has long flourished at Sheffield, and now reckons 350 members, almost all manufacturers and tradesmen. Lectures are occasionally given in it; and I rejoice to hear that there is an arrangement in agitation for admitting the workmen to the benefit of these as soon as the new premises are ready. A letter now before me relates an interesting anecdote for the encouragement of this design. "We have in our employment a common cutler who found leisure in a bad time of trade to amuse himself with entomology, and who has made great progress in arranging a collection of insects for our museum. Another youth in an obscure station is preparing specimens of our Flora for the same. Ingenious mechanical models have been repeatedly brought before us

by persons from whom little beyond ordinary handicraft could have been expected." The first two circumstances here mentioned strongly confirm the opinion which I have expressed elsewhere,* and which was grounded on actual observation of Mr Fellenberg's establishment in Switzerland, that a high degree of intellectual refinement, and a taste for the pleasures of speculation, without any view to a particular employment, may be united with a life of hard labour, even in its most humble branches, and may both prove its solace and its guide.

There are other Mechanics' Institutions, respecting which I have not the details, as the very thriving one at Aberdeen, which has a library of 500 volumes, a valuable apparatus, and a lecture-room for 600 students, where extensive courses on chemical and mechanical science have been delivered. At Norwich a meeting was lately held, and attended by the most respectable inhabitants of all sects and parties, in order to found a Mechanics' Institution. The zeal and information displayed there, leave no doubt whatever of the plan succeeding. Dr Yelloly stated that the rules of the London Institution had been communicated by Dr Birkbeck. The correspondence of our London Institution with different parts of the country shews that similar plans are in contemplation in various other districts of England. It should seem that a little exertion alone is wanting to introduce the system universally; and this is the moment, beyond all doubt, best fitted for the attempt, when wages are good, and the aspect of things peaceful. But if in any part of the kingdom more than another the education of the working classes is of importance, that part surely is Ireland. I have learned, then, with inexpressible satisfaction, that

* Evidence before the Education Committee, 1818.

there the system has already been introduced. In Dublin a Mechanics' Institution has been established with the soundest views, the great and cardinal principle being recognised of taking two-thirds of the directors from the body of the workmen. A similar plan has been adopted at Cork; and I have reason to hope that Limerick and Belfast will follow so excellent an example.

To encourage good men in these exertions—to rouse the indifferent, and cheer the desponding, by setting plain facts before them—has been the object of these details. The subject is of such inestimable importance, that no apology is required for anxiously addressing in favour of it all men of enlightened views, who value the real improvement of their fellow-creatures, and the best interests of their country. We are bound upon this weighty matter to be instant, in season and out of season. I now speak not merely of seminaries for teaching mechanics the principles of natural and mathematical sciences, but of schools where the working classes generally may learn those branches of knowledge which they cannot master by private reading. It must be a small town indeed, where some useful lecture may not, with a little exertion and a little encouragement, be so established, that the quarterly contributions of the students may afterwards suffice to continue it. Moral and political philosophy may be acceptable even where there is no field for teachers of chemistry and mechanics; and where no lecture at all can be supported, a library may be set on foot, and the habit of useful reading encouraged. We constantly hear of public-spirited individuals; of men who are friendly to the poor and the working classes; of liberal-minded persons, anxious for the diffusion of knowledge and the cultivation of intellectual pursuits. But no one has a right to assume such titles—to take credit for

both zeal and knowledge—if he has done nothing in his own neighbourhood to found a popular lecture, or, should the circle be too narrow for that, to establish a reading club, which, in many cases, will end in a lecture. For such a club, there is hardly a village in the country too small; and I have shewn that towns of a very moderate size may support a lecture. After the success of the experiments already made, indeed, it seems little less than shameful that there should be any considerable town without establishments for popular education. I speak from the actual history of some of the instances which I have cited, when I say that one man only is wanted in each place to ensure the success of the plan. Where there is such a man, and workmen in sufficient numbers—there are all the materials that can be required. He has but to converse with a few master-workmen; to circulate, in concert with them, a notice for a meeting; or if it be deemed better to have no meeting, let them ascertain how many will attend a class; and the room may be hired and the lecturer engaged in a month. The first cost will be easily defrayed by a subscription among the rich; or, if that fail, the collection of a library will be made by degrees out of the money raised by the students. The expense of providing apparatus ought not to deter any one from making the attempt. I have shewn how much may be done with but little machinery; and a skilful lecturer can give most useful help to private study, by drawings and explanations, with hardly any experiments at all. The facilities too will increase; the wish for scientific education will beget an effectual demand, and teachers will present themselves to supply the want. Already it would be a safe adventure for a lecturer to engage in, where there are great bodies of artisans. In any of the large manufacturing towns of Lancashire and Yorkshire, a person duly qualified to teach the principles of

mechanics and chemistry, and their application to the arts, would now find it easy to collect a large class, willing and able to remunerate him for his trouble; and it is highly probable, that, before long, there will be established, in each of those places, permanent teachers upon private speculation.

But, great as the disposition to learn already is among the working classes, and certain as a lecture would be of attendants wherever it was once set on foot, there is still a necessity for the upper classes coming forward to assist in making the first step. Those seminaries are still too new; they are too little known among the artisans generally to be thought of and demanded by themselves; still more difficult would it be for them to set about forming the plans for themselves. Even in the largest towns, it is hardly to be expected that the workmen should yet concert measures for their own instruction, although sufficiently numerous to require no pecuniary assistance in procuring the necessary teachers. The present, then, is the moment for making an effort to propagate the system; and for giving that encouragement which may at once spread those Institutions, and render universally habitual the desire of knowledge that already prevails. Nor can the means be wanting among the upper or even the middle ranks of society. There exist ample funds at present applied to charitable purposes, which at best are wasted, and more frequently employed in doing harm. I speak not now of the large revenue, a million and a half or more from endowments, which is almost altogether expended in a manner injurious to the community; not above a third part belonging to charities connected with education, and of that third by far the greatest portion going to maintain poor children, which is nearly the worst employment of such funds; while of the remaining two-thirds, only a very small proportion is spent on perhaps the only

harmless objects of common charity, hospitals for the sick poor, or provision for persons ruined by grievous and sudden calamities. But I allude to the large sums yearly collected in every part of the country to support charitable institutions; and, though given from the best of motives, yet applied to increase the number of the poor almost as certainly as the parish rates themselves. These funds are entirely under the control of the contributors; and to them I would fain address most respectfully a few words.

Every person who has been accustomed to subscribe for the support of what are commonly called charities, should ask himself this question. "However humane the motive, am I doing any real good by so expending my money? or am I not doing more harm than good?" In either case, indeed, harm is done; because, even if the money so applied should do no mischief, yet, if it did no good, harm would be done by the waste. But in order to enable him to answer the question, he must reflect, that no proposition is more undeniably true than this, that the existence of a known and regular provision for the poor, whether in the ordinary form of pensions, doles, gratuities, clothing, firing, &c. or in the shape of maintenance for poor children, in whole, or only in part, as clothing, has the inevitable tendency to bring forward not only as many objects as the provision will maintain, but a far greater number. The immediate consequence of such provisions is to promote idleness and poverty beyond what the funds can relieve: the continued and known existence of the provisions trains up a race of paupers; and a provision for children, especially, promotes improvident marriages, and increases the population by the addition of paupers. It is therefore a sacred duty which every one owes to the community, to refrain from giving contributions to begin such funds; and if he has already become a yearly

contributor, it is equally his duty to withdraw his assistance, unless one condition is complied with, namely, that no new objects shall be taken into the establishment, but that those only who at present belong to it shall be maintained; so that the mischief may be terminated within a limited time, and nothing unfair or harsh done towards those who had previously depended on its funds. I remember the time when money given to beggars was supposed to be well bestowed—a notion now exploded; yet even this exercise of benevolence is less mischievous than the support of regular establishments for the increase of paupers.*

The wise and considerate manner of proceeding which I venture to recommend, would speedily place at the disposal of charitable and enlightened individuals ample funds for supporting works of real, because of most useful charity. Let any one cast his eye over the Reports of the Education Committee and Charity Commissioners, and he may form some idea of the large funds now profusely squandered under the influence of mistaken benevolence. Of the many examples that might be given, let one suffice; its history is in the Report of 1816. The income was above L.2000, of which L.1500 arose from yearly subscriptions and donations. This large fund clothed 101 boys, and maintained 65 girls; but the expense of boarding and clothing the girls was of course by far the greatest part of it, perhaps L.1200. Much abuse appeared to have crept into the management, in consequence of tradesmen acting as trustees, and voting on the orders to themselves, and on the payment of their own accounts. It was deemed right to check this; and a rule was adopted, at a meeting of trustees, to prevent so scandalous a practice for the future. It was, however, re-

* Letter to Sir S. Romilly, 1818.

jected at a meeting of the subscribers, for which, in all probability, the tradesmen had made a canvass, and obtained the attendance of friends. Nay, a most learned and humane judge, who was one of the trustees, having afterwards proposed a resolution merely to forbid any trustee or subscriber voting on matters in which he was personally interested, it 'was rejected instantly, and therefore not recorded on the minutes;' whereupon his lordship abstained from attending any future meeting, and, I trust, from ever contributing to the fund. This is one instance only of thousands, where the money collected from well-disposed persons, who take no further charge of a charity than to pay their subscriptions, is wasted by the jobbing of too active and interested managers. But suppose there has been no direct abuse, and that all the income had been honestly and carefully employed in promoting the objects of the establishment, by far the greater part of it would have been hurtfully bestowed. Instead of clothing 101 boys, and maintaining 65 girls, at the rate of L.2000 a-year, the fixed income alone of L.500 might have educated a thousand children, and left L.1500 a-year free for establishing other schools, if wanted: and as two others of the same size would in all probability have more than sufficed to supply the defect of education which appears by the report of the West London Lancaster Association to exist in that district, a fund would have remained sufficient to support an institution for the instruction of 700 or 800 mechanics. Thus, the same money which now not uselessly, but perniciously bestowed, might, by a little care, and a due portion of steadiness in resisting the interested clamours of persons who subscribe for the purpose of turning it to their own profit, be made the means of at once educating all the children in the worst district of London, and of planting there the light of science among the most useful and indus-

trious class of the community. Now, within the same district, or applicable to it, there are probably other charitable funds, arising from voluntary contribution, to five or six times the amount of this single charity, and it is most likely that there is hardly one of the benevolent individuals who support it but contributes to one or more charities besides. How important, then, does it become for each man carefully to reconsider the use he is making, or suffering others to make, of that money which his humanity has set a part for the relief of his fellow-creatures, and the improvement of their condition; and how serious a duty is it to take care that what originates in the most praiseworthy motives should also end in results really beneficial to the object of his bounty!

I rejoice to think that it is not necessary to close these observations by combating objections to the diffusion of science among the working classes, arising from considerations of a political nature. Happily the time is past and gone when bigots could persuade mankind that the lights of philosophy were to be extinguished as dangerous to religion; and when tyrants could proscribe the instructors of the people as enemies to their power. It is preposterous to imagine that the enlargement of our acquaintance with the laws which regulate the universe, can dispose to unbelief. It may be a cure for superstition—for intolerance it will be the most certain cure; but a pure and true religion has nothing to fear from the greatest expansion which the understanding can receive by the study either of matter or of mind. The more widely science is diffused, the better will the Author of all things be known, and the less will the people be "tossed to and fro by the sleight of men, and cunning craftiness, whereby they lie in wait to deceive." To tyrants, indeed, and bad rulers, the

progress of knowledge among the mass of mankind is a just object of terror: it is fatal to them and their designs; they know this by unerring instinct, and unceasingly they dread the light. But they will find it more easy to curse than to extinguish. It is spreading in spite of them, even in those countries where arbitrary power deems itself most secure; and in England, any attempt to check its progress would only bring about the sudden destruction of him who should be insane enough to make it.

To the Upper Classes of society, then, I would say, that the question no longer is, whether or not the people shall be instructed—for that has been determined long ago, and the decision is irreversible—but whether they shall be well or ill taught—half informed or as thoroughly as their circumstances permit and their wants require. Let no one be afraid of the bulk of the community becoming too accomplished for their superiors. Well educated, and even well versed in the most elevated sciences, they assuredly may become; and the worst consequences that can follow to their superiors will be, that to deserve being called their *betters*, they too must devote themselves more to the pursuit of solid and refined learning; the present public seminaries must be enlarged; and some of the greater cities of the kingdom, especially the metropolis, must not be left destitute of the regular means within themselves of scientific education.

To the Working Classes I would say, that this is the time when by a great effort they may secure for ever the inestimable blessing of knowledge. Never was the disposition more universal among the rich to lend the requisite assistance for setting in motion the great engines of instruction; but the people must come forward to profit by the opportunity thus afforded, and they must themselves continue the movement once begun,

Those who have already started in the pursuit of science, and tasted its sweets, require no exhortation to persevere; but if these pages should fall into the hands of any one at an hour for the first time stolen from his needful rest after his day's work is done, I ask of him to reward me (who have written them for his benefit at the like hours) by saving threepence during the next fortnight, buying with it Franklin's Life, and reading the first page. I am quite sure he will read the rest; I am almost quite sure he will resolve to spend his spare time and money, in gaining those kinds of knowledge which from a printer's boy made that great man the first philosopher, and one of the first statesmen of his age. Few are fitted by nature to go as far as he did, and it is not necessary to lead so perfectly abstemious a life, and to be so rigidly saving of every instant of time. But all may go a good way after him, both in temperance, industry, and knowledge, and no one can tell before he tries how near he may be able to approach him.

# ADDRESS

TO THE MEMBERS OF THE

# MANCHESTER MECHANICS' INSTITUTION.

JULY 21. 1835.

# ADDRESS.

I AM sure there never were thanks worse earned, or, I may say, more superfluously bestowed, than those which your most worthy president and my respected friend, Mr Heywood, has just been pleased to return to me for coming here this evening; when I ought really to render my thanks to you for the very high gratification I have received since I came within these walls. I need hardly tell you that I have taken an active, a very humble part certainly, but still a warm interest in the establishment of Institutions of this and a similar description,—for this differs from many, in some respects exceeds them, in others perhaps falls short,—and I do assure you that in some particulars this very greatly, or I will say considerably, for one ought not to exaggerate at all even upon occasions like the present of mutual congratulation, but I will say it very considerably exceeds any other in the country, and I believe I know the whole of them which have been created from the year 1824, when they were first established in England, down to the present time. I think that in many important particulars this Institution does very considerably excel any other with which I am acquainted, and therefore I may venture to say, any now established. In the first place, it has a greater number

of constant subscribers and regular attendants; in the next place, it is fully as well lodged as any, and better than any other with one exception, I mean the Institution in London, of which it does not fall short in any material respect. The lecture theatre is somewhat less; but still, as the present assembly shews, it is capable of accommodating without inconvenience a very large number. From a rough estimate I have made in casting my eye around (and I dare say some of these boys we have just heard, are better able to make one than I am), I should say that there are not less present than from 1100 to 1200 persons altogether,—I should guess, from my habit of seeing large numbers of people, that there are from 1150 to 1180 persons present, and yet nobody really feels any inconvenience from so large a body of persons within this space. I have not yet had an opportunity of seeing the library; but I have run my eye over the catalogue: it seems well chosen, and not inconsiderable in extent and in variety. I believe also that there is apparatus for carrying on different lectures with scientific experiments. But in one particular, and that a most important one, it excels every other institution, with the exception of that in London, and with that it comes on a level,—I mean in the regular attendance of the classes and schools; and with the exception of that one shortcoming which I am about to mention presently, the attendance of the schools appears to be excellent, and if the specimen we have had to-night may be taken, I should say it is, as regards the youngest portion of the boys, undoubtedly very superior in point of proficiency. Now, the arithmetic is most perfect; I cannot conceive anything better than the proficiency of the boys generally. I take it for granted that they are selected; I assume them to be the best in the school,—if they were an average it would indeed be very marvellous,—but there were two

of those boys than whom none could be more ready calculators; and the bulk of them went through, in a longer or shorter time, the different sums with great ability. I may gather this from my own short experience; for of the many sums there were not above two which I did myself in my own mind as quickly as the bulk: and only one which I did as suddenly as those two boys. They had the benefit of the slates, it is true; but I had greater experience and longer practice. With the exception of one instance, I never knew boys so quick,—and I compare them with exhibitions of a similar nature in our central Borough Road School, and undoubtedly there they do these questions without slates; but I don't say this as a disparagement; for if taught the knack, a boy will learn just as easily to do them without as with the slate, and therefore I lay that out of view. Doing sums as quickly as these boys do with the slate, implies as great an effort of the mind, and must be done as much by a mental process, as if the boys had no slates in their hands. These boys certainly are equal to those very extraordinary exhibitions which every one has lately witnessed in the London Borough Road School. Whether they have gone on equally well in geography I have not had an opportunity of learning. If the time had permitted, I should have liked to see what progress they had made in that important study, which is as entertaining as it is useful. As to the reading, it was very good. I can only say that I detected but one error; the boy read "that *which*" instead of "*that* which;" but there was no error in pronunciation, or anything that could indicate that he had fallen into the plan of reading by rote, or did not understand what he was reading. My great satisfaction is to perceive that these boys are taught to reflect and reason to a certain degree upon what they pass over with their eye, or on what passes through the

ear as another reads. That was remarkable in the examination which Mr M'Dougall made after the boy had finished reading the page. There are two systems which ought always to be set in view in teaching; shunning the one, setting it up as a beacon to be avoided, and placing the other before you as a light to direct your course into the harbour of knowledge; the parrot system to be avoided as the rock, the beacon, and the shoal; and the intellectual system, the reasonable, rational system, to be steadily pursued and substituted for the former. And there is no greater error committed than that of those teachers who make a great display of boys' memories, exercising that faculty only, by means of which they may make very accomplished parrots with a great deal of trouble and waste of time; but "quickly come, lightly go;" that which they learn so easily they lose shortly, and even while they retain it, find it of no use whatever; for it does not imbue their mind or penetrate their faculties. I have some reason to believe that it is a shoal which lies peculiarly on the course of teachers by the new, or Lancasterian, or Bell, or national system, called by some the British, and some the Madras system; but whether invented by Bell or Lancaster I stop not to inquire. Both were very great benefactors to mankind; and which invented it, is not very material to our present purpose, as neither is here to take out a patent; but I will call it the New and Cheap system of instruction; and I often find that, as the scholars learn very quickly by it, they are apt to forget as swiftly—nay, that they often learn merely by rote; the consequence of which is, that those at the head of such establishments have of late taken great pains, and I am glad to find most successfully, to avoid that rock. Accordingly, they who go to the Borough Road School, instead of learning by rote, learn by thoroughly un-

derstanding the subject; they learn nothing for which they cannot give a reason, of which they cannot render an account, and explain the foundation and principles, as well as execute on the spot and at a call. The consequence of this plan is a true instruction of the right sort; and I mention with pleasure, that these boys appear to be educated by Mr M'Dougall in that course, than which nothing can be more satisfactory. Having said this, I shall trespass a little further on your patience; and, in consequence of my always dealing with this subject as often as I have an opportunity, I shall offer a few remarks on the shortcoming in this institution to which I have alluded, and which I really think might, in the course of a short time, be supplied. It is far more profitable, on occasions like this, to point out defects than merits. This converts such meetings into the means of improvement, instead of mere ceremonies or excuses for idle speech-making. Now, nothing can be more gratifying than the number of your members, nearly 1400 individuals actually subscribing and placing at the disposal of the directors a fund quite sufficient to bear the current expenses without involving the institution in debt and difficulty; and also to obtain not only an increase from time to time in the library and other parts of the establishment, but the aid of various skilful lecturers. But the next question that arose with me was, of course,—to what class of the community those 1300 or 1400 members belonged; and no doubt I was a little disappointed to find that,—though nothing can be more useful or more important than that those respectable classes, of which the bulk of the community consists, should belong to such an institution, and should gain therefrom the inestimable benefits of knowledge in letters and in science, and should also reap the pleasure of social intercourse of the most harmless, nay, of the most beneficial charac-

ter, and thus be kept out of evil habits, and have their intellectual faculties whetted, their industry excited, and their exertions stimulated, by mutual intercourse and social study,—though nothing can be more important than this, and though this will in the end provide a remedy for the defect which I am about to take notice of,—I still cannot avoid feeling that if there was an addition to,—I won't say a body placed instead of, but one added to—the 1400 members of the institution, for I would not have one single individual less of those ; but if, in addition to those, there were 200 or 300 to begin with those of another class, of which but a small proportion belongs at present to this institution—I mean artisans and common mechanics of the ingenious and working classes of this town,—I would not have them displace any of those who are now members—there is room enough for all,—but only if they should be added to those superior classes which now belong to the institution, I am sure that the improvement would be prodigious. I hold it to be perfectly certain, that it is the common interest of both masters and men, of both you and me,—of you who belong to the higher industrious class to which I belong, and not to that of common artisans, every one of whom may in this country, by knowledge and skill, rise to the situations which we are in, who are in the same country with them, and running the same race of competition, each in our several branches, and only for the present removed a little in circumstances into an easier station than theirs, they being as capable of obtaining that station themselves,—I say nothing can be more important for them and for us, than that they should learn the knowledge which we have learned, and are still learning and extending. This is of the utmost importance to be impressed upon their minds and yours ; it is a lesson which ought never to be erased from their recollection I have been

told—and in saying this, I seek to pay no compliment to Manchester because I happen to be in it—for I would rather speak truths unpalatable than pleasing phrases, things fine to hear but useless to know—but I hear, and I indeed know it of my own knowledge, that in Manchester the artisans, the mechanics, though as honest men, of as independent habits, of as excellent understanding, of as great industry, and in their own arts of as consummate skill, as any human beings in any manufacturing town, or in any other place, be that place what or where it may—yet that they are not sufficiently penetrated and imbued in their minds, dispositions, and tastes, with the love of scientific knowledge and useful learning, to seek opportunities of learning the principles even of those arts in which they are engaged. There are, doubtless, exceptions; great and creditable exceptions this institution itself affords; but they are few in number compared with the great bulk of the industry, intelligence, and skill which exists in Manchester; the others do not flock to this Hall, when its doors are open to receive them all; when, at a very moderate cost, they might reap the benefits of it, and obtain the delights and the advantages of instruction and of social intercourse within its walls. And when I say the advantages of instruction, I am speaking a plain practical proposition. I am not merely talking of the accomplishment of learning and its pleasures, great though they be, but of the positive utility of it, to each of them in his own separate case. Who, for instance, can doubt that it would be of the greatest use to a common mechanic, engaged in the manufacture of tools and engines, at one of those magnificent establishments with which, at my last visit here, I was so delighted, through the kindness of their excellent owners—who can doubt that it would be of the greatest benefit to the workmen there, and still more to those employed in the manu-

facture of steam-engines, and various other useful and complicated machinery, in this town—who can doubt that it would be of the utmost possible practical use to them in their several trades, to know the principles upon which those engines are constructed, by becoming acquainted with so much chemistry, for example, as may teach them the nature and properties of steam, of refrigeration and expansion, of the manner in which heat works and cold operates, and learning as much mechanical science as may explain the grounds of the various mechanical contrivances which that engine exhibits? I say it is of positive use and actual profit to them to know these things. At present they put up the cylinder, they fit the piston into its place, and adjust that exquisite contrivance of Watt, the parallel motion; but they do these things mechanically, by rote, and according to the parrot system, which I have lately said a word about in reference to boys. The boys here, indeed, can tell the steps by which they arrive at the answers to the questions given them, and upon that page of reading they could give you reasons and illustrations connected with the various parts which formed the passage which their young neighbour and friend read. But these mechanics know that the rod cannot work sweet and smooth in the cylinder unless perfect perpendicularity be always preserved, and that this perpendicularity is gained and kept by means of a certain combination of iron rods and hinges, which they have learned to call the "parallel motion," without even knowing why it is so called; and how it operates, and upon what principles that perpendicularity is secured, they have never yet learned; and yet that branch of mechanics, though connected with some refinement certainly, may be brought to the level of the student's capacity, with little or no mathematical learning. One should think they would be all the better workmen if

they knew not only that they were to go on in a certain line, but why they were to do so; that they were not only not to deviate to the one hand or to the other, but why there would be danger if they did. At all events, I say, these things are very just objects of curiosity, and that men might naturally feel desirous to know about the things which they are every day practising. Just in the same way they might naturally desire to know why, upon a certain jet of water being admitted into the cylinder, down comes the piston; how it happens that a vacuum makes it descend, and how the steam pressure from above accelerates the descent. They would surely make it all the better for knowing the principles upon which it acts. And is it not a natural object of curiosity to men whose whole lives are passed in causing this operation, to inquire upon what principles of science it is that it was invented by one of the most profoundly scientific men that ever lived to adorn this country? I should think that such information would be a pleasant relaxation to the mind in the intervals of labour. Can any one doubt that a dyer would find himself more comfortable if he studied a little of the nature of mordants—if he knew why dyed cloth in certain cases took the colour, and in other cases rejected it—if he knew, for example, upon what principles that ingenious invention of scarlet dyes operated, which was imported into this country by my friend Mr Thompson, who obtained a patent for it, the invention of an able French chemist? But it is very odd, the operative dyer goes on *dyeing all his life*,—making his arms light blue and his cloths dark blue, without knowing, any more than the hog that feeds in the trough by his side, the principles upon which his ingenious and useful art is founded. I might run through a variety of instances of the like sort. I take it for granted that no person tries to make optical

instruments, even an apprentice, who does not know something of optics; and yet I should be apt to say that those who do not come here do not know much more than enables them to grind glasses into the convex or plano-convex shape that the instrument in hand may happen to require. But would it not be much better if they knew the laws which regulate the dispersion as well as the refraction of light—(of refraction, perhaps, they do know a little)—of the laws which regulate the making of achromatic glasses, so called because they give no colour; of the way in which crown and flint glasses being of several dispersive powers, the action of the one corrects that of the other? And if they also rose a little higher in their views, there would be no harm done—if they ascended so as to discover that the most perfect of all optical instruments, the eye, is formed precisely upon the same principle on which Mr Dollond formed his first achromatic glasses, and upon which Dr Blair afterwards suggested an improvement, which, I believe, has never yet been much used in practice. It would be a solace to him, it would strengthen his religious belief, it would make him a better and a happier, as well as a wiser man, if he soared a little into those regions of purer science where happily neither doubt can cloud, nor passion ruffle our serene path. These things are all so obvious that one really ought to apologize for reminding you of them; but it is not you, it is rather others who are not here, that I would remind through you of these things. They know that I can have no interest but their good, in wishing them to consider what pure and elevated pleasure might be enjoyed by them, if they would come and drink at the fountain of science open to every one here, and seek instruction under its greatest masters. When I say that such knowledge is of practical use, I might go a step further. Those men who are daily employed in handling tools,

working amongst the very elements of mechanical science, or always using mixtures of chemical drugs in a mechanical way (I here use the word "mechanical" in its bad sense,—meaning without knowledge, by rote)—those who, making and using pulleys, see that one pulley being fixed gives no increase of power, but only changes the direction of the force; while another unfixed pulley greatly multiplies the power; but who only see and don't know why it is so, and have their information only by rote,—those men are amongst the very persons whose situation is the best adapted in the whole world for actually making discoveries and inventing improvements. They are in the way of good luck; for there is great luck in even scientific discoveries, and there is more in mechanical inventions; and these men are always in the way of it. They are continually using agents applied to practical purposes; and they have opportunities of striking out new ideas which, for aught they know, may lead to the discoveries of the philosopher, or the improvements and inventions of the mechanician. What did Mr Watt do more?—that man to whom we owe the greatest revolution, morally speaking, of modern times,—I mean that which subdued steam to the use of man, by his improvements upon the old engines of Worcester and Newcomen. Far be it from me to undervalue the great step of the vacuum, made by Newcomen; but all was in vain for practical use, till the discoveries of Watt gave a new aspect to the machine. He is therefore the real inventor, and may be said to be the second father, of the steam engine; and it is to him we owe all the wealth, the increased power, and the extended comfort, which we now have from the great engine, which actually annihilates distance between place and place, and, as I yesterday told my friends at Liverpool, brings Manchester, though thirty miles inland, close to its great seaport and outlet, Liverpool. Watt

himself was one of that class of workmen which I am now addressing; and if he had gone on making mathematical instruments without ever studying the principles of science upon which they are constructed, he never would have achieved any one of those splendid inventions which gave such celebrity to his name, such fortune to his family (though far from equal to his prodigious deserts), and such an increase to the power and the happiness of mankind. He would have gone on to his grave working at the rate of 30s. or 40s. a-week, without ever having raised his own name, or adorned his species, or improved the condition of mankind, in the marvellous manner, and to the boundless extent, which he was enabled to do, solely by his scientific education and philosophic studies. Why, then, I place Watt as a model before all working mechanics. They may not have his genius, but they may all have as much industry as he had, and gain as much learning. It is their own fault, therefore, if they don't rise out of their level, and obtain the chances of making discoveries which would secure them the gifts of affluence, and bestow on them a share in the greatest glory at which man can arrive, the renown of extending the boundaries of science and art. Totally independent of that, they might be much happier men, much more useful men, and much more profitable workmen, both for themselves and others. And, after all, what sacrifice would they make for it? Why, men receiving 30s., 35s., or 40s. a-week, would have to sacrifice how much? Not 6d. a-week, for the subscription is only 20s. a-year, to obtain all the benefits, and reap all the enjoyments, of this excellent Institution. Suppose it were even 26s. a-year, or 6d. a-week, why it is only that they should consume so much less beer or meat, and the diminution is so little in amount, that they would hardly feel at the week's end that they had made the sacrifice. I know they ought

to do a great deal more than that; and unless they do it, I also know they can never be the happy men which their talents and skill, and the prosperous and flourishing situation of this great city, entitle them to be. If they, with large wages, have not learned another lesson, beside saving sixpence a-week for learning, they have but learned half their duties. They ought to do as we lawyers, physicians, and others have always to do; they ought to lay by for a bad day. I know that this is not a very popular doctrine; but if they do not hear it and practise it, they won't be very respectable men. Every man is bound to do so as a bare act of justice to himself, and to make him an inpendent man, without which he does not deserve to be called a man at all, much less the citizen of a free state. He ought to look to himself and his savings, and not trust to that most odious, mean, and despicable of resources, the parish fund, in case of a bad day. Suppose when I was at the bar, toiling my way up, as you are doing now, to independence, that I had lived up to every farthing of my income, as these men spend their 40s. a-week,—I speak of some of them only who spend the whole of the 40s. they earn every week, and never have any thing in case of a fall of wages, or being thrown out of employment, or sickness,—if I, or those whom I used to associate with at the bar, had done that,—then there comes a broken limb or a bad season for business, when people are wiser than they generally are, and therefore don't go to law—or when they are poorer, and cannot afford that very expensive luxury,—supposing a person is ill for six months; what is he to do? All men of business know that it is their bounden duty to lay by for such accidents, from which the ablest, best, and strongest men are not at all exempt. And why should these workmen not do the same thing? But I have been drawn from my course

by this important subject. From the nature of this place, one is apt to get lecturing a little, and I was lecturing upon the propriety of laying by only 4d. or 6d. a-week, for the purpose of possessing the benefits of this admirable, useful, and most gratifying institution. I can conceive people having some excuse elsewhere for not coming to lectures and enjoying them; but when I hear so admirable a report as was made to-night by your worthy and able secretary, when it appears that you have not only those able men by whose advice the workmen flocking hither might benefit, but when you have such lecturers as those whose names we have heard to-night,—when, above all, there is in this very town, at this moment, happily preserved to us,—and I hope to God he long may be,—the very greatest chemical philosopher of the present day,—known all over Europe and all over the world,—I mean Dr Dalton,—why, what a proof is here how people neglect things within their power, and which they would be grasping at and panting after, if they were but removed beyond their reach! I met an old and worthy friend of mine, a man of great ability and learning also, your townsman, Dr Henry, to-day. We were fellow-collegians, and learned chemistry together,—though God wot he learned a great deal more than I did; and we both agreed, while conversing at Mr Heywood's, that nothing had given each of us so much pleasure (both had often thought of the same thing, and we communicated our sentiments upon meeting), as the happy circumstance of having lived in time to attend the course of lectures given by the greatest improver of chemistry in his day, I mean Dr Black, the discoverer of latent heat, of fixed air, of the nature of the mild and the caustic earths, as connected with that air's absorption, and who may literally be said to be the father of modern pneumatic chemistry. We had the happiness of drinking in our knowledge of chemistry

at that pure and exalted source, by attending the last lectures of that great man. Now, suppose anybody had told us when we got to Edinburgh (I lived there, but Dr Henry came from a distance), "Oh, you are a year too late. If you had only come the year before, you would have been in time to hear the last course of lectures impressively and gracefully delivered, by that great man. We should have wrung our hands and declared that we could not tell that; that we did not know he was so old; that we would have given up any engagement, made any sacrifice, to have heard him. But suppose that we had lived in the same town to the age of thirty, and had never thought of going to Dr Black; suppose that he in the course of nature had paid its debt and died, and that we had then read the life of Dr Black, as the great ornament of the city of Edinburgh, as the most illustrious chemical philosopher of his day, as the founder of the new system of chemistry, as a man whose discoveries had altered the face of the scientific world in that great department of knowledge; we should have said, "Bless us, is it possible that we should have lived ten or fifteen years here since we reached the age of discretion, and never have thought of going to that man's class,—never have thought of paying our two or three guineas for the benefit, nay the glory of learning under that most illustrious of all chemists?" We should certainly have been extremely to blame, very much to be pitied, not a little to be despised, for having allowed so many years to pass, with the doors of the lecture-room open to us, and yet never hearing this celebrated philosophical teacher. There is now living in this town, and, from his love of science, volunteering to give five or six lectures in the course of the season, a chemical philosopher who has made the greatest discovery since the decomposition of the fixed alkalies, and which in all likelihood will be

the root of still greater discoveries in chemical science, enabling us, as I firmly believe, to trace the connecting links in that chain which separates the mechanical from the chemical kingdom of science, and supplying that long wanted desideratum of the step which unites the two,—we have that very individual existing, lecturing, in this place; and in the course of time—(distant may the change be!)—he must cease to lecture and to exist. I don't believe there will be one man who has failed to avail himself of the opportunity of hearing the lectures of that eminent philosopher and discoverer, who will not then upbraid and despise himself, and feel a kind of remorse at the sin of omission he will have been guilty of. Gracious me! to have lived in this town, and never gone to hear the principles of chemistry explained by the great discoverer of Definite Proportions! That is the sort of feeling which a person will excite in others; and, if he is worthy of being compassionated, it is the sort of feeling that will arise in his own breast, upon making the humbling reflection when it is too late. In this matter I at least wash my hands of all blame; and no one will have any ground for saying I did not give him timely warning. Now, my observations are addressed not merely to the mechanics who don't come and learn these things, and who might by their coming extend our numbers—(I call it "our," for we are all engaged in the same common cause)—who do not avail themselves of such precious opportunities; but I would remind you also, and others through you, that those things which I have mentioned, because they appear to be suited to the present occasion, ought to sink deep into the minds of the considerate and right-thinking of all classes. I am sure I should do a very useless thing, if I were here to enlarge upon the benefits of Education. They are admitted by all, even by those who formerly sneered at them. Some people tell us

that "education won't fill people's bellies," and trash of that sort. Why, they might just as well complain of the baker or the butcher, because with their beef or bread they don't fill people's minds. But every one knows that "man lives not by bread alone,"—that knowledge leads to skill, that skill leads to useful and lucrative occupation, and that the gain derived from lucrative occupation enables men to get the staff of this mortal life, after getting the staff of that immortal life which improves and strengthens his better part—his mind. Therefore it is not true to say that learning does not fill people's bellies, as some grossly and stupidly say; for it puts the staff of common animal life within our reach; so the bread and beef got through its means ultimately tend to support the mind, inasmuch as, without the support of the animal part, the incorporeal portion of our nature would have but a small chance of surviving. But now, whatever improves men's minds tends to give them sober and virtuous habits; and with the knowledge of the community, clear I am that virtue is assuredly certain to be promoted; and I am quite confident that, with the knowledge of men, the rights of men—I mean their indefeasible rights of every kind, the rights which they have to civil liberty and to religious liberty, the greatest of earthly and social blessings,—are sure to be infinitely promoted; nor do I know of any more certain mode of reforming a country, any better way of redressing her grievances, than giving education to her people. I know that I am now addressing myself to those who hold various opinions on these matters, to some who differ from me in opinion. I have my own opinions; they have theirs; I shall certainly not give up mine; they may keep theirs; perhaps they may come round in time to mine; unless I am favoured with some new light I assuredly won't go to them; but I say that all poli-

tical, or, to avoid the use of the word politics, all social reforms, are never so sure to be obtained, and never so safely obtained, as when the people amongst whom they are in vogue, and bear a high price, with whom they are in great estimation and much pursuit,—as when that people is well educated ; because the better educated a people are in all their branches, so much the more tranquil, peaceful, and orderly, in their political conduct will they be. But I am not one of those who preach in favour of people being contented when they ought not to be contented. When they have grievances they ought to be discontented, and their discontent ought to boil as high as the law will allow,—not to explosive heat (to speak the language of the engineer), but higher than temperate heat, in order to make their grievances attended to, and so get them redressed. That is my doctrine. And when not redressed, the heat should increase, but always keeping under the regulation of the *governor*, if I may so speak—always under the control of the law, which is the governor,—and the governor being affected in the engine, as you know, by the heat below, even so the law is apt to be affected and made to give way and yield to the pressure of just demands acting upon it ; and as the heat in the engine, acting through the steam on the governor, communicates to it a centrifugal force, which again, when much augmented, compresses the vapour below, so by the moral law does the governor affect the people, while he is in his turn very much affected by the people. Therefore, when I preach up contentment, it is only where the people ought to be contented, by being ruled as cheap as possible, and as well as possible ; but this I always shall hold, that their discontent should never exceed the bounds allowed by law. They should be firm, persevering, temperate, for their own sakes rather than for the sake of others, and should go on

towards their own purpose, neither looking to the right, neither to the left, till that legitimate purpose be accomplished. But the more knowing they are, the more peaceable they will be; and, in my judgment, the more clear-sighted they are upon the subject of their rights, the more steadily will they perform their duties. One word more before I release you from what I have called this lecture of mine,—one word upon the manner in which learning and improvement make their way in society. I think it must be admitted that it is always in one way, and that downwards. You begin by making the upper classes aware of the value of certain kinds of knowledge; and though it constantly happens that the middle classes know a great deal more than their superiors, yet it is by the upper part of the middle class becoming aware of the exquisite pleasures of learning, and, above all, of scientific information, that the other parts of this class become impregnated with the same divine influence. Well, then, we teach, we impregnate this stratum, if I may so call it,—for society is something like a pyramid, having an extensive base and tapering upwards,—the middle parts of the middle class get well acquainted with the subject and feel its importance; every now and then there springs up an enlightened individual who says, "I have a good mind to endeavour to make this knowledge spread among the people below me who know less than I do," and by degrees he succeeds in this truly benevolent and philanthropic design. For I stop to observe that a man is not a philanthropist who throws away his money upon useless charity to multiply idlers in the land: he is truly a philanthropist, he is truly charitable, who gives his money in such a way as to prevent his fellow-creatures from wanting charity, from being reduced to the pitiable necessity of asking alms. A man who makes war upon the poor-house by keeping people out of it,

he is a charitable man; a man who makes war upon the gin-shop by teaching people that sobriety and knowledge are better than intoxication and ignorance, —a man who makes war upon the "rabble rout" of seditious, immoral, and licentious persons, by reclaiming them from their evil habits, and improving them by early education, especially by planting infants' schools,—he is a truly charitable man. And above all, a man who has bestowed his money, his time, and his exertions so as to make war upon the gaol, the gibbet, the transport-ship and the tread-mill, by lessening through instruction the number of victims sent for their crimes to these places,—that man is indeed charitable; and the more he teaches his fellow-creatures, and refines their appetites, and removes them from low, sensual gratifications, the more charitable is that man. Therefore have I stopped to say what man is charitable,—not he who gives alms, or who subscribes to charities for the purpose of seeing his name enrolled among their benefactors, but such a man as I have depicted, one who not only is benevolent, but beneficent, —one who both means well, and does good. Of such, then, there are many in the second order or stratum of the middle classes; and they try, by their exertions and their money, kindly applied and judiciously bestowed, to spread to the class below them, a little of the same feeling, the same love of learning, which they possess themselves; and so that lower class gets by degrees impregnated itself. Thus it goes to the class immediately below it, to the artisans, the skilful workmen, the class as respectable as any in the community from the duke down to the peasant. They might know a great deal more than they do; they soon will know a great deal more than they now do. Well, they get the suggestions of those immediately above them. We, for instance, in this Institution, can operate upon

them; and upon them it is our bounden duty, in my opinion, to operate till we carry them on in the course of knowledge, and impregnate them with that love of knowledge which is germain to this stratum and class above all others, and through this class, I hope, it will spread downwards till it reaches the very lowest description of the community. Then those very men, the artisans, we shall see endeavouring to instruct the common daily field labourers, a class a thousand times lower in mental rank than skilful artisans, as for instance optical instrument makers,—infinitely inferior in all respects as to station and every thing else,—much more the inferiors of the artisan than that artisan is of the proudest peer in the land. Those artisans having slaked their thirst at the fountain of knowledge, opened here by the lectures, by the library, and by social intercourse amongst the members,—having tasted the pleasures and gained the advantages of science, will endeavour even to become in their turn teachers, and to carry those benefits and lights and enjoyments into the humblest class of the community, which now sits in the thickest darkness.

I ought to apologize for having detained you so long; but as you all know my motives, I can only express my great desire and readiness in any way to promote the interest of this admirable and now most flourishing Institution. I have just cast my eye upon a page of the report which reminds me that there was a course of lectures upon Political Economy, which I was the means of procuring for you last season, and though in the report it is not stated that they were my lectures, it is mentioned so ambiguously, that you may very likely think I had written them and given you a copy. The real fact is I did no such thing. I did not write one lecture of the whole number. They were written by a friend, whose name I am not at liberty to mention. What I

did was to go carefully over them, to alter some parts, and here and there to add a sentence where I thought the meaning was not sufficiently brought out; and I believe all I wrote of them would go into less than five pages. The lectures were prepared at a time when I held the Great Seal, and therefore I could not give more attention than what was required slightly to correct them. It is no doubt true that I formerly recommended the plan of what I called Anonymous Lecturing. In 1824, the year the Mechanics' Institution was established in London, I was aware of the difficulty of obtaining Lecturers, and also aware how much Lectures might be made available, provided we had them of a perfectly simple, intelligible, and plain description, containing the elements of science laid down in a way that would readily be comprehended by uneducated men. All that then was wanted was a good and distinct reader; and the plan I proposed at the time was this:—That lectures should be prepared, and that the first should be read on one day, and on the next meeting of the class the same lecture should be read a second time, together with half the second lecture, and then the following meeting that half a second time, with the latter half of the same lecture; so that every lecture was read twice, giving the artizans time for discussion during the interval; and when their minds were whetted by such discussion, it was repeated, and they also learned another bit. In those days we wanted lecturers; so that it was necessary the lectures should be made plain enough to be given to any one who could merely read. Now we have a better supply, for these Institutions have created not only a demand for lectures, but have also created lecturers, because many of those who have been taught in these institutions are now ready to become teachers. And no fruit which they have borne is more satisfactory to my mind than this. When I disclaim the author-

ship of those able lectures on Political Economy, I do so only to renounce the credit which is not mine, and with no wish to undervalue the useful labours of those who prepare lectures for the people. I have worked at this myself. In 1825 I devoted the summer to preparing a course of lectures, which have been delivered ever since, many times over, in different parts of the kingdom, more in the south than in the north; and no person I dare say knew who was the author; nor do I intend to make it known. I don't think I have ever mentioned the circumstance before, and I do it now as a proof of the advantage of "anonymous lecturing." It has this great recommendation, that several persons may join in preparing a course, at a small trouble to each, every person contributing a lecture or two, if he cannot write a whole course. We are now going on in the same plan with various courses. I am taking part myself by preparing one course of twenty-four lectures: and I suppose that some of these courses will be ready for delivery in three months. I don't mention who are the writers, nor what are the subjects, because it is my intention the authors should not be known; but they will be ready for delivery under the patronage some of one useful society and some of another, in order to give them greater currency. I have explained this for the purpose of adding, that if it should be your pleasure to benefit by this arrangement, in consequence of any want of lectures here, upon any of those subjects which are now in preparation, I hope and indeed think I shall have it in my power to help this Institution to those particular courses.

I beg leave once more to return you my best acknowledgments for the very kind reception I have met with amongst my fellow-citizens in this great town, and in this Institution particularly; and I shall have great pleasure in reporting to my coadjutors the prosperity

of this Institution, especially to Dr Birkbeck—to whom more is due than to all the rest of us together—who first devised the plan of giving lectures to artisans in the year 1800, at Glasgow—(I have the prospectus in my possession of his first course)—a plan which was afterwards carried into execution in various parts of the kingdom; he was also, I think, the originator of the London Institution, though he had most able coadjutors, and I know his priority in this has been disputed; but at any rate he advanced in its aid L.4000 or L.5000, which I am sorry to say he is not nearly repaid at this moment.—I shall have the utmost satisfaction in telling him how this Institution beats our London one in many important particulars, and that there are only one or two points in which it falls short. I know that nothing will give him greater satisfaction than to hear from me that the child has outstripped the parent.

# SPEECH

IN ANSWER TO

# MR PEEL'S CHARGES

AGAINST THE

# EDUCATION COMMITTEE,

DELIVERED IN THE HOUSE OF COMMONS,

JUNE 23. 1819.

# SPEECH.

AFTER the speech of the Right Honourable Gentleman, the House, I feel confident, will extend its indulgence to me. Suddenly called upon, without any the least notice, to defend my individual conduct, and that of my colleagues in the Committee, whose confidence I am proud to have enjoyed from the first day that I filled its chair, to the last when I reported its proceedings, I rise under the additional disadvantage of almost every one of its members being absent, to meet, thus unprepared and unsupported, the long premeditated and much-laboured harangue of our accuser, surrounded by those who were doubtless well aware of the charge about to be preferred against us. *(Some members here were observed leaving the House.)* And, Sir, while I lament the absence of the Committee, I cannot but laud the exemplary candour of those who, having been present during the attack, are taking this opportunity of departing, that they may not listen to the defence. They hardly yield in fairness to their Honourable leader. He, with a singular delicacy and equal fairness, has selected a moment for his onset, when he thought he should catch the accused unprepared, and so have him convicted without a defence. They, con-

* This speech ought to have been inserted at page 69, but has, by a mistake, been transposed to this place.

tented with listening to the charges, are leaving us, quite satisfied of my inability to repel them. To repel all and each of them, however, I shall instantly proceed. I delay not a moment to perform this duty, which I owe to others no less than to myself; and in order to meet the peculiar fastidiousness which the Right Honourable gentleman has shewn on matters of form—to satisfy that very nice and even morbid sense of order by which he is tormented, and of which he has made so mighty a parade in his solemn lecture upon Parliamentary procedure—I begin by stating that, before I sit down, I shall move to refer the Education Committee's report to a Committee of the whole House.

I feel, indeed, my situation to be almost unexampled. Without any kind of notice—any thing that could give me a suspicion of such a discussion by possibility arising, as that into which I am thus hurried; without reflection or preparation, or one document, or a single note to help my memory of the details, I am called upon to answer a laboured and artificial invective against my conduct and that of my colleagues, from the year 1816 down to the present day. But meet it I must. I well know how I should be treated, were I to withdraw from the conflict. It would be said that the Right Honourable gentleman's observations were too strong to be faced—that they cut too deep, and went too near the bone—that they were not loose insinuations or vague invectives—that his performance was not composed of schoolboy rant or college declamation—that he, a business-like personage, gave chapter and verse for all he alleged, dealing largely in names and dates; and if his charges were left unanswered, it was only because they were unanswerable. The Committee's absence would be accounted no reason for delay; I, at least, it would be said, was present, and could require no notice of that which I should at

all times be prepared to defend—my past conduct, no matter how arraigned, or how unexpectedly the charges so maturely prepared, so industriously gathered from so many quarters, might have been brought forward against us. Wherefore I enter forthwith upon my defence against that lecture, the produce of the daily toil, the midnight oil, of the Right Honourable gentleman, aided probably by sundry fellows of colleges, who never crossed the precincts of their Vice-chancellor's peculiar jurisdiction, and certainly distinguished by all that knowledge of the law, and of the customs of Parliament, which might be looked for in those academical authorities.

The Right Honourable gentleman has charged me with grave offences, which he has visited with what he doubtless considered as a punishment adequate to the gravest of crimes—the weight of his censure—a censure delivered almost as if it had proceeded from the Chair; and which, I must say in passing, would have been nearly as forcible, though it probably would have been less solemn, had it fallen from the chair. In circumstances so unprecedented, gentlemen are now most unexpectedly called upon to decide against the Committee's reports, and against my conduct and that of my excellent colleagues, and against the conduct of this House, during two successive sessions, both as regards our acts and deeds, and as regards our omissions. But if I do not now satisfy all who hear me, that the committee were right, that I was right, that this House was right, and the Right Honourable gentleman wrong —if I do not succeed in proving to the heart's content of every one man of common candour and ordinary understanding, that the Right Honourable gentleman is utterly wrong in all his charges—wrong from the beginning to the end of his laboured oration—if I do not in a few minutes, and by referring to a few plain matters, strip that performance of any claim to credit—if

I do not shew him to be mistaken in his facts, out in his dates, at fault in his law, ignorant of all Parliamentary precedent and practice, grossly uninformed, perhaps misinformed, upon the whole question which in an evil hour he has undertaken to handle, with no better help than the practical knowledge and discretion of those who have urged *him* on to the assault, while they shewed only a vicarious prodigality of their own persons—then I will consent to suffer—what shall I say?—to endure whatever punishment the Right Honourable gentleman may think fit to inflict upon me and my colleagues—even the weight of his censure—which will assuredly, in his estimation, be fully equal to our demerits, how great soever they may be. But I venture to hope that the House, mercifully regarding my situation while such a judgment is impending, will allow me, ere the awful decree goes forth, to avert, if it be possible, from our devoted heads, a fate so overwhelming.

The Bill immediately before the House, and the important question of exempting Specially Visited Charities which my former speech had raised, obtained but a small share of the Right Honourable gentleman's attention. He was not here for any such purpose as debating that matter. He was hurrying on to his severe attack—that was what he must at all hazards get at—the matter in question before us signified nothing; yet he said just enough on that to shew that he completely misapprehended the whole drift of the legal discussion. When he treated the argument respecting special visitors as reasoning from analogy, to be sure he made a sort of apology for not being able to grapple with such points. But then, why did he touch them at all, if he confesses his incapacity to handle them? Would it not have been as well to leave the subject in the hands of those who could comprehend it, such as

his truly learned and honourable colleague,* and not in so merciless a fashion shew off himself and his ignorance? Besides, his incapacity to follow the legal argument did not make him at all slow to pronounce an unqualified and dictatorial judgment upon it. But all this he speedily dispatched, and came to the main business of the day. First of all he charged me with not having brought forward the subject early in the season, when, it seems, he was anxiously waiting for an occasion to deliver himself. But cannot he recollect what it was that prevented me? Is he so entirely ignorant of what passed at the very opening of Parliament? If he be, where shall he find another member in the House who has so completely forgotten it? It seems he must be reminded of these things, and reminded he shall be. At the very beginning of the session, I was prepared to move for the reappointment of the Education Committee. This was well known; my determination to make the motion was no secret. Indeed, no one could have read my printed letter to Sir Samuel Romilly and doubted it. Well, on the second night of the session, and before I had time to give my notice, the member for Liverpool† came down with a notice from his Noble friend‡ who is generally considered as the organ of the Government in this House. Whether he be so or no I will not stop to inquire; for on this point also I may differ from the Right Honourable gentleman; but be that as it may, I and, I believe, the rest of the House, are wont to regard the Noble lord as the leading personage on that side. The tendency, the necessary effect, nay I may say the avowed intention of that notice, was to make me postpone my motion. I thought I was the more safe in doing

* Sir S. Sheperd, Attorney-General. † Mr Canning.
‡ Lord Castlereagh.

so, as the Right Honourable gentleman had not then assumed the supreme direction of affairs, and the notice was a statement that the Minister of the Crown intended immediately to introduce a specific measure which might render my motion unnecessary. The Right Honourable gentleman knew all this; he knew that the proceedings of the Government must have the effect of silencing me, at least until the Bill was brought in; and yet he now comes forward to tax me with having refrained from proposing any measure until the end of the session. My only object in desiring the reappointment of the Committee was to remedy the defects in the measure of last year. I came openly and fairly forward to complain of those defects. I did not lurk behind. I did not allow the proceedings of 1816, 1817, and 1818, to go unnoticed. I disapproved of the measures brought forward last year. I lamented the course pursued; and I fairly owned my disapprobation. I felt it necessary to back the Commissioners, armed with imperfect authority, by the ample powers of the Committee, because I deemed them crippled by the checks and the defects in the constitution of the Board. This was one reason for my moving the reappointment. But the Noble lord's measure was announced as an augmentation of the Commissioners' powers. Another reason was, that the objects of inquiry had been limited, and a Committee was desirable to investigate those cases which the Board were precluded from examining. But the Noble lord's measure comprehended an extension also of the objects of inquiry. Here, then, was a prospect held out of such a measure as might possibly render the reappointment of the Committee wholly unnecessary; but at any rate, until it was seen how the measure would be framed, who could for a moment expect me to persist blindly in moving for the Committee? What man in or out of

the House but must have perceived that the ministerial notice at once and effectually suspended for the present any further proceedings?

"But," says the Right Honourable gentleman, "who could have thought that a Committee appointed to inquire into the Education of the Poor in the metropolis would call before them and examine the masters of Eton and Westminster?" The master of Eton School had been, prior to last session, called before the Committee. I much doubt—

Mr PEEL—"I said the master of the Charter-house School."

Mr BROUGHAM—Well, then, the Right Honourable gentleman expresses his surprise that the masters of Westminster and the Charter-house have been examined. Did not he know this from the Report of the Committee in 1816? Had he not there the evidence of his senses that their examination had been entered upon, which now strikes him with amazement? I in my turn have a right to marvel,—to lift up my hands and my eyes in wonder at the conduct of the Right Honourable member. Is it not food for astonishment to those who, after what they have heard to-night, can wonder at any thing, to perceive that the Right Honourable gentleman, with all the evidence before him of the offences committed in 1816, should have waited until 1819, before he made one single remark on the manner in which the Committee overstepped the bounds of its instructions in 1816? The natural time for complaint against the inquiries of 1816, was when the result of these inquiries was laid upon that table by me, and discussed and animadverted upon by others. The Right Honourable member, it is true, was not then installed in his present academical situation,* and was only

* Representative of Oxford.

looking upwards to the height he has since attained. But the iniquities which had escaped the penetration of expectant zeal, were again overlooked by the circumspection of calm and quiet possession. When others objected to the proceedings of 1816, and among them the member for Liverpool,* who in a fair, manly, candid manner, took the earliest opportunity of expressing his doubts whether the Committee had not gone too far, the Right Honourable gentleman, now all clamorous with astonishment at events three years' old, was then dumb, not with amazement, but with indifference, at those same events then recent or actually passing before his face. But in 1817 he was in the House which reappointed the Committee; and had he disapproved its former conduct, he might have opposed its renewal, or insisted upon restricting its powers. At any rate, if he deemed that we had, through mistake of our province, exceeded the authority under which we acted, as he says he blames nobody,—he only regrets, and laments, and observes,—and far be it from him to impute any motive, and so forth, according to approved precedents of skilful vituperation,—surely it would have been but fair to warn us against pursuing the course we had been betrayed into by our zeal, which alone he complains of, while acting under the self-same commission. But no such thing,—still not a whisper from the Right Honourable gentleman. In 1818, the same profound silence, when, for the third time, the Committee was appointed; and afterwards, day after day, for weeks, to the very end of the session, when reports were laid upon the table, and were made the subject of constant discussions; although he was now the delegate of the body which he this day so faithfully represents,—a body whose attachment to constitutional

* Mr Canning.

freedom, and whose love of free inquiry, and whose hatred of abuse, stand recorded in every page of our history,—it seems that he alone of all in, and almost all out, of the House, heard nothing of what was doing in the Education Committee. But though his ears may have been closed to every thing that was passing around him, surely his more faithful eyes could not have deceived him when the printed reports were put into his hands. Besides, the Committee was not a secret one; it was open to all the House; any member might attend it; many in fact did daily frequent it, who were not upon it. The whole proceedings,—the very inquiries into schools and universities—were in all men's mouths,—they formed the general topic of conversation,—the town as well as the college talk. The Right Honourable gentleman must therefore have heard for years, of what he now inveighs against with all the artless ardour of fresh passion, and stands aghast before, in all the innocence of ingenuous astonishment and sudden dismay! Then, when the dreadful mischief might have been stayed in its course, if not wholly prevented, not a sign was made,—not an expression of warning to the victim, any more than of deprecation or menace to the aggressor, escaped him. Now, when it is all at an end, the danger has passed over his head for years, and most people have forgotten every thing about it, he comes down straining with wonder, and bursting with indignation. By way of aggravation, too, if his charge was in itself too light, he now urges that one of the instructions to the Committee which has presumed to inquire into public schools, was to consider the state of poor children found begging in the streets of the metropolis. Does not he know the history of that clause in our instructions? Has he never heard, what all the House knows, that it formed no part of the original commission under which we acted? Can he be

ignorant that it was added some time after the Committee was appointed, and added on the motion of Mr George Rose, and furthermore, that nobody save Mr George Rose ever paid the smallest attention to it? But whatever might be its origin or its fate, surely the Right Honourable gentleman must know that it formed no part at all of the Committee's instructions in 1817 and 1818, when the horrible inquiries which alarm him were perpetrated. How, then, does it happen that his serenity of mind was never in the least degree ruffled during the year 1816, when the Committee, acting under such an instruction, presumed to examine the Charter-House and Westminster School; but now, when the Committee has been reappointed without any such instruction at all, he is utterly astonished at their proceeding in the course which he had seen them pursue quietly and without one gesture of surprise, three years ago, while the hateful clause about beggars' children was in full force? To be sure, it might not, at that early day, have been quite so easy to raise an outcry against the Committee, because the foul misrepresentations of its conduct had not then been industriously disseminated, which makes it now somewhat safer to join in the attack. But be the reason what it may, certain it is that until this very evening not a twinkling spark was ever descried of the fiery zeal which has now burst forth for good order, and the foundations of all establishments, and the regularity of all proceedings, and the rights of the subject, and the duty of protecting him from the aggression of committees. All was then serene in the quarter from whence now proceeds a blaze no doubt intended, probably expected, utterly to consume the Committee and all its works; a blaze from which it is very strange, nor can I tell how, except by God's good providence, we have escaped unscathed.

However, as after all, incredible though it may appear to the Right Honourable gentleman, the fact seems to be, that we have survived the tremendous explosion, "that great and apparent danger," as the Liturgy has it, "wherewith we were encompassed in this place"—it remains for us to pursue our defence as best we may; and I shall next advert to the charge of having packed the Committee; than which I never yet heard any more groundless accusation, nor one supported by a more entire contempt of all facts and dates. But first, suppose I had named a larger proportion of my own friends upon the Committee, is there no precedent for this selection by the mover? I will just remind the Right Honourable gentleman of the course taken by some folks when they happen to have the naming of of committees—committees, too, in which the complexion of men's general political opinions and party attachments is infinitely more important than in an inquiry concerning the education of the poor. I will take the very last select committee named by the Right Honourable gentleman's own friends—the Finance Committee. Of twenty-one that composed it, at least twelve were members who always vote with the Government; but I believe I might say fourteen: however, suppose them only twelve: four belonged to those whom he calls neutral, and treats as a class of little account—neither one thing nor another—a sort of milk-and-water mixture; so that there remained only five Horatii, as he phrases it, to make a stand for the constitution.

Mr PEEL.—There were but three Horatii.

Mr BROUGHAM.—I am quite aware of that; I was speaking of their character, not of their number; but, indeed, any one might have known the number of the Horatii who had happened to frequent the Opera House of late years, even though he might not have had the

advantage of an Oxford education, and thus been early embued with the two first chapters of the Roman History. However, the Right Honourable gentleman himself only kept to the true number of the Horatii, by misstating the number of neutral members on the Education Committee. If he had been content to adhere to the fact, as I shall presently shew from the list just put into my hands unexpectedly by the worthy person at the table,* he must have been compelled either to abandon his jest from the school-book, or to increase the number of the Horatian family. Instead of the three worthy aldermen who have been called by such classical names, and who are broadly asserted to be the only members from the opposite side of the House, how happens it that the Right Honourable gentleman thought proper to leave out some eight or ten others of the same description? Is Mr Henry Wrottesley, for example, a member who usually votes with me? Is Mr Wolfe a member who ever so votes? Is Mr Charles Grant? Is Mr Sheldon? Then why did he pass over all these names in order to allege that there were but three ministerial members named? Was the joke so very pleasant,—was the classical allusion so exceedingly relishing, as to be worth purchasing at such a price? But he left out a number of others; and it wont do to say they were added when the inquiry was extended to Scotland. Some were put in long before any such extension was in contemplation. [*Here Mr Brougham went into the dates of the several appointments, as these appear on the journals of the House, and enlarged upon the construction of the Committee, and the party connections of its members.*]—The Committee is allowed on all hands to have been selected from every part of the House. The right

* Mr Dyson.

Honourable gentleman himself has admitted that there were members from various sects, and he descanted learnedly upon the different squads and sections. The nomination of aldermen indeed appeared to puzzle him; but it is strange that one who has received so liberal an education, that he seems to think nobody else knows any thing, should be unable to explain this phenomenon. Did it never occur to him, that as the Committee was originally appointed to examine the state of education in the metropolis, so it was a matter of course, according to the every day's practice of the House, to name the members for London and Westminster? They were therefore named, with the exception of Mr Alderman Combe, whose health had prevented his attendance for a session or two. But were the interests of learning and the rights of the Universities left to the protection of those worthy magistrates? They served well, indeed, giving their patient attendance while the City charities were inquired into,—neither keeping out of the way while the matters which they understood best and took most interest in, were discussed—nor invidiously throwing obstacles in the way of the investigation—nor coming out with retrospective censures when the proceedings were at an end. But there were others on the Committee, in whose hands the cause of learning seems to me to have been almost as safe as in those of the Right Honourable gentleman himself, who will suffer no one else to touch a college or a school. What does he think of Sir Samuel Romilly, of Sir James Mackintosh, of Mr Frederick Douglas, of Mr William Lamb, of Mr Wilberforce, of Mr John Smythe, the member for Cambridge University? And how happens he, in his much meditated lecture of this night, to have overlooked all these names, in order to represent the great establishments of education as left to the protection of three aldermen? But if a sufficient

proportion of such members was not named upon the Committee, whose fault was that? Did I ever throw the least impediment in the way of increasing its numbers, even when I might think the Committee was becoming unwieldy from being too numerous? What gentleman ever asked to be added, whom I did not move for upon the spot? Whose nomination did I ever oppose? Did I not myself propose in the course of the inquiry, from time to time, seven or eight names, beside those I have now mentioned; and all of them ministerial members? I may mention Sir James Graham, when the St Bees' affair was to be examined, because he was intimately connected with the Lowther family and estates—the Lord Advocate, Lord Binning, Mr Hunter Blair, Mr William Douglas, and Mr Boswell, when the instruction was added as to Scotland; and all these members took part of course in the other inquiries, as well as during the single half hour devoted to the Scotch part of the subject. If the Right Honourable gentleman had desired to add any other names, does any one for a moment suppose that it would have been objected to? Can he himself really believe that I should not have been glad to adopt any such proposition? Why did he not come forward with it at the right time? Why not ask to be put on the Committee himself? A single word, a hint would have sufficed, as he well knew. He must have known that he and as many of his friends as he might choose, would at once have been added. Then why did he not pursue so obvious a course at a time when he appears to have heard of nothing from day to day but the inroads made upon the Universities? It is mighty well for him to complain now of those attacks as something worse than sacrilege, for the purpose of aiding in this House the invidious and ignorant clamours raised out of doors. But where was he all the while the deeds of violence were

doing, and before they were consummated? Then was the time to have come down, protesting, and declaring, and imploring. But no—he saw Oxford menaced—Cambridge invaded—Eton insulted—Winchester sacked—and still he made no move. The imminent peril even of his own *alma mater* could not draw a word from her son and representative; he left her with the rest to be defended from the outrages of a revolutionary Committee, by the prowess of the worthy and Horatian members for the City.

So much for the construction of the Education Committee. It is now fit that we see what was its conduct when its operations commenced. But here I must again complain of the unfair time and manner of the attack. I am left almost alone to defend the Committee. As far as argument goes, I perhaps have no great right to complain of this; for it may be said that it is my duty to be master of the subject. But is it nothing to be left without witnesses to my statements of fact? The worst insinuations are flung out, the most unfounded statements are made, respecting what passed in the Committee. Is it nothing to stand here deprived of the testimony which every one of my colleagues would have been ready to bear in my favour had they been present, and which all of them would, I well know, have hurried to their places for the purpose of bearing, had they suspected that an attack would have been made, of which no mortal could possibly have dreamt? Nevertheless, without the benefit of such irrefragable evidence, and at a distance from every document and note which can serve to assist my recollection, and without a moment's notice to turn over in my mind the various details over which the Right Honourable gentleman has been poring, I cannot tell how long, or with what helps, I find myself suddenly dragged into the discussion of all that passed in the Committee from

its appointment in 1816 to its dissolution at the end of the last Parliament. But I do not in any way shrink from the task. I shall leave no one remark of the Right Honourable gentleman unanswered. I trust to the indulgence of the House in permitting me to follow him thus closely; for it must be evident to all that the office conferred upon me is not of my seeking; and I again put my case upon this issue, that the Right Honourable gentleman is utterly wrong in every tittle of his accusations, and that I am myself content to have it said I have done nothing, if I shall not succeed in proving him to be wrong in all. But he said, and repeatedly said, that he preferred no charge. Far be it from him to impute any impropriety; for his part, he blamed no one in any respect. He was the last man in the world to make personal allusions. He accuse or attack any body! Not he, indeed—nothing of the kind; and many were the changes he rung on these disclaimers, all through his speech, or rather through a large portion of it; for they were sown thickly among insinuations, and charges, and personalities as thickly sown. Each succeeding accusation was prefaced and concluded by some such denial of all intention to accuse any body of any thing; and the speech was wholly made up of invective, save and except the parts devoted to those denials of any design to inveigh. But what signify such special disclaimers in a harangue which, from beginning to end, was one undisguised chain of inculpation? Or whom did he think he had to deal with that was likely to regard the parenthesis only and overlook the substantial members of the discourse among which they were interjected? For my part, I must view all those candid professions as mere surplusage, and pass them over as wholly immaterial to the body of the charges into which they were so lamely and so uselessly introduced.

In this spirit, the Right Honourable gentleman said

he would not affirm that the Committee had acted wrong, but he would assert the necessity of watching with great strictness all recommendations coming from such committees, and of scrutinizing all measures grounded upon their advice; in illustration of which position he referred to the clause in the original act giving the Commissioners powers to compel disclosures by imprisoning refractory witnesses. Now, a more infelicitous instance of his maxim he could not have given than this; for it does so happen, that the clause which he read with so much pomp and circumstance was no invention of the Committee, and originated in no recommendation of theirs, but was copied from another act of Parliament, the handiwork of a ministry to which almost all the Right Honourable gentleman's friends belonged; and it formed a distinguishing feature of the most remarkable act by far of that administration. I beg leave to refer him to those around him, for a more detailed account of its merits, and shall content myself with reading the words of the statute, in order to shew how literally the clause was copied from the one act into the other bill. [*Mr B. here read the section in question as it stands in the act for appointing Commissioners of Naval Inquiry*, 1802.] This provision, however, brought forward by Lord Sidmouth, and supported by all his colleagues, is now an object of unspeakable alarm to the Right Honourable gentleman, who shews such a true regard for the liberty of the subject as is really touching, though not very happily timed; for all this noise is made about a clause which never passed, and yet its rejection was not even in the least degree owing to the Right Honourable gentleman, greatly as he dreaded such a provision; fatal as he deemed it to all the rights of property; and hostile as he held it to every principle

* Messrs Vansittart, Bragge Bathurst, Lord Castlereagh, &c.

of the constitution; it might have been the law of the land at this day for any thing he ever did or said while the Bill of 1818 was in the House, and the dreaded provision under discussion. Till this hour he never opened his mouth upon the subject. Very different indeed was the conduct of the member for Liverpool,* whose manly and consistent demeanour it is impossible not to praise as often as it is mentioned, even at the risk of repeating the same expressions as have been already applied to it; but when a person acts again and again in the same laudable manner, the consequence is, that the example he sets draws forth a reiteration of the same commendations. He objected to the clause from the first, not as coming from the Committee, but upon the ground on which he had originally resisted it with great energy and ability, though without success, when Lord Sidmouth, or rather Lord St Vincent, for the measure was his, introduced it into the Naval Inquiry Bill. He did not lie by until the eleventh hour, or rather until the work was done, and nothing remained but to carp and cavil. He did not keep up his objections, or leave others to urge them, and a year after the measures objected to had prevailed, and done all the mischief they ever could do, come forth with a solemn denunciation of mischievous intentions, which he had done nothing to frustrate or oppose before they were carried into effect. Those parts of the Naval Inquiry Bill which he disapproved, he openly and fairly resisted, and at the time when his opposition might be effectual; and if there were parts of which he had not then expressed his dislike or his doubts, he at least did not now, after the Bill had passed into a law, and the Commission which it created had been a year at work, rise up and pronounce a sentence against them.

The grand charge against the Committee is their ex-

* Mr Canning.

amining into the Colleges and Public Schools. We have been attacked as if we had run a muck indiscriminately at all the seats of learning in the land. The prominent part of this charge is, our having dared to call before us the Master and Senior Fellows of St John's, who are described as having been sent for abruptly to disclose the mysteries of their house, and treated rudely in the examination. Every part of the accusation is unfounded. The facts as they really stand are these:—Pocklington school in Yorkshire, had long been the scene of great and most notorious abuse, and the Committee were desirous of inquiring into it. It appears that the Master of St John's is the visitor of the school, and that he had recently exercised his office (though for the first time, it may be remarked), by twice sending the Senior Fellows there to inquire and report. They had but just returned from the second of these missions, and the Master himself had been with them. The propriety of at once examining these learned and respectable persons themselves, both as to the nature of the endowment, and the result of their own inquiry, is obvious. It was both more fair towards them, and more expedient for the investigation, than to seek for information from less authentic quarters. But there is no pleasing some folks in the mode of proceeding, except perhaps by doing nothing at all. If the principals are called, it is denounced as an outrage upon the Heads of houses, who are pathetically described as dragged before an inquisitorial committee; if the schoolmasters or the neighbours alone are summoned, the evidence is decried as drawn from imperfect, or partial, or tainted sources. Well, the Master and Fellows were examined; but I positively deny that any discourtesy was practised towards them by myself, or by any member of the Committee, as far as my recollection serves me. In the course of a long examination,

in which a number of persons bore a part, it is impossible for me to remember every question put, or remark made, any more than I can be answerable for each interrogatory that appears on the minutes, though I have repeatedly seen myself made responsible for parts of the investigation in which I have never interfered at all, either by bringing forward the case, or asking any of the questions. But I repeat, that I have no recollection of any one thing having passed which can be represented as deviating from courtesy towards any witness, either in the substance or in the manner of the examination. Persons who hastily read the evidence, have mistaken for a sifting cross-examination of Dr Wood, what is in reality only a repetition of questions, made (and acknowledged by himself at the time to be so) for the purpose of enabling him to give a more explicit contradiction to reports, very prevalent, respecting certain fellowships of his college. But I appeal to the members of the Committee who assisted at the examination, if any are present, whether he or any other witness had a right to complain of my conduct in the Chair. I have accidentally heard of ample testimony having been borne to my demeanor, by a most respectable gentleman, wholly unknown to me, and in politics constantly opposed to me. * A friend of his from the north, having seen the falsehoods so boldly and so industriously propagated respecting me, and being, from his knowledge of my habits, somewhat surprised at finding how violent and rude an inquisitor I had all of a sudden become, not unnaturally asked Mr Sheldon if it really was so; but he has been much relieved by finding that gentleman express his great astonishment at the imputation, from having been himself present at the investigation, as a member. But I must protest against this novel method of imputing all

* Mr Sheldon.

that is done in the Committee, and recorded in its minutes, to the chairman. The Right Honourable gentleman has acutely and learnedly classified the members of it into various divisions or squads as he terms them. The majority of those who gave their attendance were not my political friends, but his own. Some were of a third party—some had leanings—some were of no party at all. As soon as a case was entered upon, or a witness called, the members of both sides, or rather of all the five sides, plied him with questions, some more some less regular and judicious. It was impossible to prevent or control all their observations. Am I, then, to be answerable for the sins, not only of myself and my friends, but of all the rest? Am I chargeable with the irregularities of all the squads—of whatever might be done by this motley committee, this pentagonal body, in the course of a long and animated proceeding?

But to return to the specific accusations. The Right Honourable gentleman was pleased with even unusual solemnity to attack—I ought perhaps rather to say, reprimand—us for what he termed the disregarding the obligations of the Winchester oath, compelling the Fellows to produce the statutes which they had sworn to conceal, and then publishing these arcana to the world. The Right Honourable gentleman should have learnt the case better before he set to getting up his lecture. If it did not suit him to attend the Committee, he should have informed himself, at least, of the elements, the mere a, b, c, of the controversy, before he ventured to take a part in it—a part, too, evidently intended to be so very prominent. The Winchester statutes were never published at all—never—and purposely, because, on account of the oath, it might be deemed objectionable to publish them, or disclose more of their contents than was absolutely necessary for the investigation. The Right Honourable gentleman was thinking of the Eton

statutes; but then there was no oath at all pleaded in the Eton case—and, indeed, none existed to plead. This might be enough to shew the candour, or let it only be called the accuracy, of the Right Honourable gentleman, and his qualification to join in this discussion with so authoritative an air and tone. It might be a caution to people before they begin lecturing, to learn a little. But the whole accusation about the Winchester oath was equally founded in a gross ignorance of what has really passed, and an entire disregard of the established law of Parliament. Surely the Right Honourable gentleman has never taken the trouble to read the oath which he gravely charges the Committee with forcing the Fellows to violate. Had it contained no saving clause, still the Committee had an unquestionable right to disregard it, and compel those who had taken it, to produce their statutes. No such oath is in law binding, or can stop the course of justice, in the lowest tribunal known in this country. Far less can it be obligatory on persons under examination before the House of Commons. But it happens that there is an exception in the oath, and a pretty large one; and one too, which has been very liberally acted upon by those who took it. They swore not to reveal—"nisi quâdem necessitate cogente, vel utilitate suadente,"—and the oath adds, that they were themselves to be the judges of both the necessity and the utility. How have they acted upon this? It appears from their own statements to the Committee, that as often as any end whatever was to be served for the College, they produced their statutes with all freedom, and made them as public as the occasion required. They exhibited them in all suits in Courts of Law—they laid them before Courts of Equity—they gave them in the whole, or by piecemeal, to their solicitors and counsel, in discussions before the Visitor; and when it was deemed ex-

pedient for their interests to have reports of those proceedings published in pamphlets, they allowed large extracts of those most secret and mysterious documents to be printed; and Mr Williams, the barrister, one of their counsel, and one of their own body, who has taken the oath himself, told the Committee that he had, in publishing a report of one case, inserted part of the statutes in it, and not only those sections which had been used at the trial, but other passages, which he printed in a note, for the further illustration of the Winton argument. I have no manner of doubt, that this use of the statutes by my learned friend, comes strictly within the letter of the salvo in the oath; because I am sure the pamphlet, if not required by some necessity, was very likely to prove of great utility. But then, what could be more absurd than to set up such an oath, so much limited by exceptions and so little observed in practice, as a bar to the jurisdiction of the House of Commons? What more ridiculous, than to fancy that it prohibited the production of those statutes, even according to the strict letter, in the course of their lawful investigation? They have not been called for rashly, or peremptorily, or without the fullest deliberation, and the most careful examination of the scruples which might arise from the oath. All that could be urged by those who had taken it, was fully heard from themselves; and after maturely weighing it all, the Committee came to the only decision which they could give without at once abandoning the whole rights of the Commons, and overturning every thing like the law and the privileges of Parliament. But in the exercise of their discretion, though the right was undeniable, they have limited the exercise of it by the exigency of the occasion, and have refrained from printing the statutes in their minutes. With respect to the Eton statutes, the case was different. There no oath

interfered, and they were ordered to be printed, as well as those of Trinity and St John's; that in case there be in practice any deviations from them, it may be observed, whether they are all such as change of circumstances warrants, or even makes an improvement. But the Right Honourable gentleman finds out, or somebody tells him of a marginal note in the Museum copy of the Eton book, and which, it seems, has been printed with the rest of the manuscript. Of the existence of that note, I positively assert, I was unaware till I heard it read now. It had entirely escaped me; and I have no hesitation in saying, that I disapprove of its having been printed. But it was reserved for the peculiar spirit and temper in which this controversy has been carried on, to pick out a little typographical oversight in a volume of many hundred pages, and charge it upon the chairman of a Committee, who must indeed be endued with omniscience, as well as excessive industry, to prevent all such accidents from happening.

I beg pardon of the House for all the particulars into which I am forced to enter, but I rather apologise for the Right Honourable gentleman than for myself; I stand far less in need of such indulgence. A very serious and alarming charge followed next—that of prolonging the operations of the Committee after the dissolution; continuing, as it were, the noxious existence of that hated monster, after the period of its fate had arrived. It seems that, marvellous to relate, at the distance of one whole month from the end of the session, a circular is found, signed by a clerk of the House, who had been clerk to the Committee, and, yet more prodigious to tell, sent free through the post-office. Now, I give up the whole defence, if this, which is attacked as a dangerous innovation, is not found to be the uniform practice of every Committee, in every session, and absolutely necessary to the expe-

diting of the public business;—if what the House is warned against as alarming and strange, and leading no one can say to what consequences, has not been constantly and most notoriously done, from all time down to the present day. Let but one session of Parliament be shewn, in which any such inquiries were going on to the end of the sitting, and in which the prorogation prevented the work of digesting and correcting from proceeding, and I am willing to stand convicted of having introduced a new practice—a great improvement in the method of carrying on such inquiries. In fact, the question will not admit of any doubt. Every one knows that, long after the end of each session, the reports and other papers of that session are printed or circulated, and many of them finished. And there is not in this respect the smallest difference between the end of a Parliament and of a session, or between one kind of work upon the papers and another. But for such a convenient irregularity, the Parliamentary business would be suddenly stopped by each prorogation; nothing would be done till next year, and then a mass of matter would be poured at once upon the House, the officers of the House, and the public, which never, by possibility, could be turned to any account, if it ever could be done, beside the necessary suspension of the new business, in order to finish the digesting of the old. The Right Honourable gentleman, if he had been at all acquainted with the practice of Parliament in the best times, and under the sanction of the highest authorities, could never have brought forward such a charge; and if he was so miserably ill-informed on these matters, and gathered his notions of Parliamentary usage from persons who knew, who could know, nothing whatever about it, what business had he, upon no better foundation than his own ignorance and theirs, to rear up the presumption with which

he brought forward his accusations? Take the plan of the Right Honourable gentleman and his instructions—adopt his new law of Parliament—let the close of each session not only stop short every investigation in which the committees are engaged, but stay all steps toward preparing for the use of the House the results already obtained from inquiry—and the necessary consequence must be, that not a tittle of the matter required for deliberation can be arranged or distributed, until, at length, the next session sees the House overwhelmed with such a mass of papers as must defy all reading, arranging, or understanding. But I had well nigh forgotten the dreadful circumstance, the ground of so much amazement and protestation, that the circular of July was dispatched in a cover signed by Mr Freeling, and went free from postage; for this extraordinary natural appearance, the Right Honourable gentleman can by no means account. I wonder, in my turn, that a theory for explaining it should not have presented itself to a person who deems so highly of his own learning. It might have struck him that there was no other means of sending letters post-free, and that the post-office having received instructions to forward the other circulars under covers signed by Mr Freeling, the same covers were naturally enough used upon this occasion also.

But I am fated, it seems, to answer for another circular letter, written still longer after the dissolution, even in the present session, to the parochial clergy; and that letter is represented by the Right Honourable gentleman as tending to deceive those to whom it is addressed, into a belief that the Education Committee is still in being, and that the application is made under its authority. Unfortunately for the Right Honourable gentleman, the letter in question was only resolved upon after the utmost deliberation, and was then

worded with very great care, to avoid all possibility of misconstruction. I was well aware, when that letter was sent, whatever I might have been before, of the endless variety of malignant insinuation, and foul and wicked misrepresentation to which any man exposed himself, who acted for the benefit of the poor, with disinterested motives, and who, without fear of obloquy, exposed the hidden mysteries of abuse. I slowly and reluctantly determined upon issuing that circular. I had before been obliged, in my official capacity, to give much trouble to the clergy, I mean the resident parish working clergy, the honest and pious men who, for a very moderate recompense, discharge most important and laborious duties, to their own immortal honour, and the unspeakable benefit of their fellow-creatures. Their conduct throughout the whole of this inquiry has been far, very far above my praise; yet still I entreat them to accept so humble a tribute to their great merits, for their honest zeal, their unwearied benevolence, their pious care of the best interests of their flocks, shewn forth in their universal anxiety to promote the great objects of the Committee —the Education of all the Poor. I was most unwilling to press harder than was absolutely necessary upon such willing fellow-labourers, and therefore delayed sending the circular in question, which has for its object to obtain the same information as to unendowed schools, as the former letter had procured respecting endowments. The first letter had been dispatched at a time when the bill was expected to pass with a clause requiring the Commissioners to examine the state of education generally, as well as the abuse of charities; it was therefore principally calculated to obtain such information respecting endowments, as might serve to direct the inquiries of the board. When that clause was, with others, struck out, the returns became the only

source from whence the general information respecting the state of public education could be obtained. It was therefore most desirable to supply the defects in these, as far as regarded the unendowed schools. Yet, as a considerable proportion of the returns to the original circular has, through the praiseworthy zeal of their reverend authors, afforded the information required, I for a considerable time indulged a hope, that a sufficient number might be found upon which to form an estimate of the average for the whole country, and thus to preclude the necessity which I so greatly desired to avoid, of giving the clergy further trouble. With this view, and beside long and repeated consideration of the details by myself, I consulted professional gentlemen skilled in calculation; and it was not until it appeared impossible to trust the averages obtained from the full returns, that I reluctantly had recourse to the circular in question. There are living witnesses, perhaps not very far distant, to the repugnance which I felt to taking this step—not indeed through any apprehension of incurring the Right Honourable gentleman's displeasure (which never once crossed my mind, and if it had, would have left a very slight impression), but from tenderness towards those most excellent persons upon whom it was to impose a new task. When I resolved upon issuing it, I weighed the terms of it with extreme care, to guard against the very imputation flung out by the Right Honourable gentleman, of usurping an authority with which I was no longer vested; not that I felt this at all needful, were I to be judged only by those who know me; not that I should, before the commencement of this controversy, have thought such a precaution necessary, even to prevent misconception in the world at large, for I had yet to learn the risks which a man's character runs, for merely employing himself

in the disinterested work of befriending the poor; but the circular was written when I was made aware of this danger; and I studied (in vain as it now seems) to guard against misrepresentations, which I foresaw would be attempted, to describe all I did as encroachment and usurpation. In the simplicity of my heart, I imagined I had succeeded. This night has shewn me how meanly I estimated the inventive subtlety, and the unconquerable pertinacity, of polemical malice. For they in whose hands the Right Honourable gentleman is an instrument of aggression (perhaps more accommodating than powerful), have discovered that the language of the letter was that of assumed official authority. It alluded to inquiries going on with respect to public education; and were not such inquiries in progress when I had laid Reports respecting them on the table, given notice of a measure to be brought forward, and informed the House that the digest of the returns was preparing, and would be printed from time to time? But could the most defective understanding of the person least acquainted with Parliamentary proceedings, suppose that a letter was officially written by a chairman of a committee, in which the writer begins with saying that he should consider it as a favour if the person addressed could conveniently give him certain information, and concludes with begging him to date his answer, if he should be kind enough to oblige him with one? Is that the style of official letters—of requisitions and precepts from chairmen of committees? The first circular from myself as chairman had been very differently worded. "I have to require that you will return answers to the following queries."—And the difference in style was perceivable by every person who received the second letter; for every one had previously received the first, and the second expressly referred to it. Indeed, with the inconsistency which has marked every

step of the adversaries of education, this first circular has also been attacked—it was said to be uncourteous and peremptory—and there was a doubt expressed of the Committee's authority to issue it. As for the style, it was less peremptory than the established form of an order for the production of a paper, or attendance of a witness. That form begins, "It is ordered that A. B." &c. The circular began, "I have to require," &c.—As to the right of demanding answers—any doubt of it was bottomed in the grossest ignorance, and the most childish inattention to the shape of the proceeding. The Committee had a right by their instructions to send for all persons, papers, and records. They might have summoned the clergy to Westminster to be examined. Was it not a relaxation of this right, to allow them at their own homes to answer the circular queries?—I do not impute all this wretched blundering to the Right Honourable gentleman. His objections could not have originated within these walls. They must have been gathered from some coarse manufactory abroad. But he should have been far above suffering any designing or bigoted persons from getting possession of him, and persuading him in so great a matter. This good work I trust will not be impeded by what has passed this day, though I doubt not there are some persons out of doors who indulge hopes that it may. I shall, for my part, persevere. I am beset and attacked at every step, as if I was pursuing some object of personal advantage or aggrandisement, and as if the enemies of the cause supposed that a person, giving up his days and nights to such a work, must needs have some bad purpose to serve. But I shall leave it to time and the contempt of the community, to cure men of such absurd prejudices, which I assure you give me no sort of angry feeling, and only move my pity.

The last charge preferred by the Right Honourable

gentleman is of a singular description. It is not for any thing which I have either done or left undone in the Committee, nor indeed for any substantive part of my conduct at all, either in or out of Parliament; but it seems I have, in my Letter to Sir S. Romilly, taken credit for not doing something, which if I had done, I would, in the Right Honourable gentleman's opinion, have been guilty of a breach of duty as chairman. Perhaps I ought to be sufficiently well pleased to find the gentleman and his instigators reduced to such flimsy accusations as this, which, if well founded, is really no very mighty matter. But it happens to be, like all the rest, quite groundless. I do not exactly recollect the words used by me; I have not of late been so conversant with my own writings, as the Right Honourable gentleman seems to be; who, I am sorry to see, has thrown away much valuable time upon what I fear he may find an unprofitable study, at the best, but the more especially, if he did not comprehend what he read. I shall, however, take the quotation as given by him —and to what does it amount? Only that, in order to prove how little truth there was in the charge so often reiterated, from the first day of these discussions to the present, of my having been actuated by party views in the Committee, I cited the known fact of my having refused my partisans in the North access to the evidence respecting St Bees' school? But how could I have granted this access, asks the Right Honourable gentleman, without betraying my trust as chairman? Why, in various ways. What was there to prevent me from lending my own notes? What to keep me from communicating any private copies I might have of the printed and unpublished evidence? Then, who ever before questioned the right of a chairman to regulate the manner and time of printing and circulating the minutes of a Committee? I have known recent instances of notes

being used for private purposes by warm friends of the Right Honourable gentleman, although the chairman of the Committee had joined with the Speaker in impounding them to prevent publication. They have been published to the injury of every individual, for whose protection the original minutes were impounded. Of such conduct, indeed, I greatly disapprove. For me to have communicated my notes, or to have allowed the publication of the Report some weeks sooner, would clearly have been no such impropriety; yet still I deem that it would have been blameable, because it would have been perverting to party purposes an inquiry that should be kept free from all such connexion. And therefore it was, that I abstained from it; nay, interposed to prevent it. I did so, because I deemed that it would have been improper; and the Right Honourable gentleman sagaciously answers, "Had you done so, it would have been an impropriety." There I leave him and his ingenious and subtle instructors.

In conclusion, I must apologize for the time which I have been obliged to occupy in the defence of myself and my colleagues. As far as regards our cause, we have much reason to complain of being taken unawares; but the House, too, has been a sufferer, in being compelled to hear a statement not only inadequate to the greatness of the occasion, but necessarily rendered prolix by the suddenness of the demand which has imperiously, though most unexpectedly, called it forth. It is a satisfaction to me, that, how defective soever in other respects, I at least believe it to have been full, and to have honestly met each individual part of the accusation. In casting my eye back upon the large space over which I have travelled, I can descry nothing that I have left untouched. I rather fear I may be blamed for stopping to take notice of some things which merited none. But I deem this the safer side on which

to err, as being made aware by experience of the shifts and devices to which malignity has recourse. * If I have passed any thing—if it should be found, on further reflection, that there is a single point overlooked by me—I beg to be instantly informed of it, and I pledge myself to take the earliest opportunity which the forms or the kind indulgence of the House affords, of supplying the omission. I have not shrunk from the fullest inquiry, in circumstances which gave me a very fair ground for demanding some delay; and I still court the most unsparing investigation of every part of my conduct in the chair of the Committee, and of every single incident that has happened in the course of our whole proceedings.*

* The preservation of this speech is owing to an accident. A gentleman at the Bar, who had taken much interest in the progress of the Bill, having the intention of editing Duke's work on Charitable Uses, happened to be in the gallery, and took a very full note of the debate; from which and some further notes kept by Mr Brougham, and from some others which have since been obtained, the speech was corrected for Hansard's Debates, then edited by Mr Wright; and from that it is now printed, with only the change of the person and tense, and one or two verbal alterations, founded on notes made at the time. The newspapers, for some days before this debate took place, had refrained from reporting Mr Brougham's speeches, in consequence, as it is said, of some offence given by him to a reporter, in the form of words used in referring to him; and by no means from the course taken by Mr Brougham, for it appears from the Debates (Hansard, vol. xl. 1174), that he took a very decided part in the gentleman's favour, when the question of his committal to Newgate was discussed, strongly and successfully opposing that proceeding. He was a person of great merit and accomplishments, as afterwards appeared. It appears from the Debates, that Mr Sheldon, Mr Wilberforce, Mr J. Smith, and other members of the Education Committee, confirmed Mr Brougham's statements of fact.

# SPEECH

ON THE

# EDUCATION OF THE PEOPLE,

DELIVERED IN THE HOUSE OF LORDS,

MAY 23. 1835.

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# SPEECH.

In conformity with the notice which I gave some time ago, I now rise to submit certain Resolutions to your Lordships, on a subject the importance of which one universal opinion confesses, although there may prevail a difference of sentiments regarding the course fittest to be pursued for attaining the end that all have alike in view. In calling the attention of the House to a matter of such deep and universal interest, both to the governors and governed of this and every other country, I feel that I need hardly preface my observations with any apology, or bespeak your attention to a topic so nearly affecting the welfare, and indeed the safety, of the community at large. I have the misfortune, it is true—and I have always felt it a misfortune—to differ from a large, at least a decided majority of those whom I have the honour of addressing, in political principles, and in the feelings which these engender upon most things connected with the management of public affairs. I entertain my own conscientious opinions, which are the same I have ever held, and ever acted upon. Your Lordships entertain your own, and will allow me to keep mine, as I find no fault with you for retaining yours; but I certainly do feel, that whoever, standing in this position, whether as a

Peer of Parliament, or as a Member of the other Assembly, undertakes to bring forward a subject like the present, has a difficult task imposed upon him. He makes himself the advocate of measures, which ought to be kept free from all admixture of party feeling—apart from all the disturbing forces of political animosity—measures in which, as all parties have the same stake, so none ought to interfere with any sectarian or factious view but to consider their merits upon the most enlarged principles, and with the most inflexible resolution to consult only the true interest of the country and of mankind.

Why, then, it may be asked, am I apprehensive of this great and common cause suffering in my hands from party dissensions? It is because I fear lest some of your Lordships may think more of the advocate than of the question—more of his politics than of its merits. I know there are those who will not listen so readily to the claims of any subject, as they will consider the character and habits—I mean the political character and habits—of him who introduces it. I know that there be those who are rather moved (if I may speak the language of my profession) by the wrongs of persons, than by the rights of things; and unless your Lordships shall be convinced that this subject of popular education is in itself worthy your serious attention—unless I can make you fully aware of all its details, so as to conciliate your favour towards the things required for its full establishment—I may be doing mischief to that cause the progress of which it has been the great object of my life to advance. Yet, assuredly, the situation in which I here stand, is any thing less than novel to me. I have never stood at any period of my public life, either in this or the other House of Parliament, otherwise than as the member of a minority, generally a minority inconsiderable in nu-

merical force. I have always had a preponderating, often an overpowering, majority of my fellow-members opposed to me in either House, even while a minister of the Crown; nor was it until I had left the Commons, that my colleagues knew what it was to sway the voices of that assembly, while I only exchanged an adverse majority of Commoners for a hostile majority of Peers. Yet it has been my good fortune to succeed in obtaining the assent of both Houses to many measures of paramount importance, at first propounded to unwilling audiences, rudely crossed by the influence of some, coldly supported by the flagging zeal of others, persevered in with the aid of the country, and backed by the force of reason, till in time the feeble minority swelled into all but the unanimous voice of Parliament, as of the People. These recollections encourage me now to face the preponderance of my political adversaries, and give me hopes of a like success in my present endeavours.

Having detained your Lordships for a few moments with adverting to what I deemed not unimportant, I shall now come at once to the details of the subject which I wish to press upon the attention of the House. I shall first of all explain why I deem it to be inexpedient to bring forward for the consideration of Parliament, that which many of the warmest friends of universal education, with the best intentions, though I think through mistaken views, are partial too; I mean a general bill for the establishment of parish schools at the public expense, and under public regulation. I am very decidedly against any such measure, and I shall now shortly explain why I am against it. But as the opinion to which I now refer is entertained, though by a most respectable class, yet not by a numerous class of persons, I should not feel justified in entering upon details to shew why I differ from them, were it not that at one and the same time I shall be laying before your

Lordships the present state of Popular Education in this country.

In the year 1818, the labours of the Education Committee of the House of Commons,—labours to which no man can attach too high a value,—were made the subject of great controversy,—a controversy as fierce and uncompromising as almost any that ever raged, and to which I only refer as affording another reason for the hope I so fondly cherish, that though now, perhaps, in a minority upon this, as upon many other questions here debated, I yet may ultimately find myself with scarcely an antagonist. That bitter controversy is at an end—the heats which it kindled are extinguished—the matter that engendered those heats, finds equal acceptance with all parties. Those are now still, or assenting, or even supporting me, who then thought that I was sowing broadcast the seeds of revolution, and who scrupled not to accuse me as aiming at the "dictatorship," by undermining the foundations of all property. Those who once held that the Education Committee was pulling down the Church, by pulling down the Universities and the Great Schools—that my only design could be to raise some strange edifice of power upon the ruins of all our institutions, ecclesiastical and civil—have long ceased to utter even a whisper against whatever was then accomplished, and have become my active coadjutors almost ever since. Nay, the very history of that fierce contention is forgotten. There are few now aware of a controversy having ever existed, which, a few years back, agitated all men all over the country; and the measures I then propounded among revilings and execrations, have long since become the law of the land. I doubt, whether, at this moment, there are above some half-dozen of your Lordships who recollect any thing about a warfare which for months raged with unabated fury both within the walls of the Universities and with-

out—which seemed to absorb all men's attention, and to make one class apprehend the utter destruction of our political system, while it filled others with alarm lest a stop should be put to the advancement of the human mind. That all those violent animosities should have passed away, and all those alarms be now sunk in oblivion, affords a memorable instance of the strange aberrations—I will not say of public opinion, but—of party feeling, in which the history of controversy so largely abounds. I have chiefly dwelt upon it to shew why I again trust that I may outlive the storms which still are gathering round those who devote themselves rather to the improvement of their fellow-creatures than the service of a faction.

In those days, then, the Education Committee, by inquiries instituted respecting all the parishes of this island, obtained a full account of the means of instruction existing in each. The result of the whole was, as regarded England and Wales, that independent of Sunday schools,—which for the present I shall lay on one side,—there were of day-schools, endowed and unendowed, about 18,500, actually educating, during six days in the week, 644,000 children,—that of this number 166,000 were educated at endowed schools, and 478,000 at unendowed schools, schools supported entirely by voluntary contributions, or by the payments received from scholars. The number of endowed schools was above 4100—of unendowed, about 14,300. The former number of endowed schools, and their scholars, is of course nearly fixed—the latter, of unendowed, is that which varies from time to time: therefore take only the variable number of 478,000, those educated at unendowed day-schools, and then consider what progress has been made in them since 1818; a progress partly owing to the exertions of private benevolence, but in part, too, achieved by the exertion of the poorer classes themselves; for

it is a circumstance on which I dwell with the greatest pride and pleasure, that of the 478,000 taught in unendowed schools, 310,000 paid for their tuition, and 168,000 only were free scholars; and even taking in the endowed schools, of the 644,000 taught, 320,000, or one-half of the whole, paid for their schooling.

Now, when I said I should lay on one side the education in Sunday-schools, it was not from undervaluing those excellent institutions, or because the details relating to them are unimportant, but because of the limited nature of that kind of education, and the necessarily inferior advantages which alone it can bestow; for while one day in the week is very little towards the purposes of instruction, it is still less towards the benefits, the far more important benefits, of moral discipline. It is evidently not merely the teaching of reading, writing, and ciphering, that profits the child; the regular school attendance is far more material for his improvement. Six days in the week, at six hours in the day, is a vast advantage in this training; but a single day, for three or four hours, although it does something by keeping the child out of harm's way, is yet, comparatively speaking, insignificant as moral training,—as forming the invaluable habits of order, industry, and good behaviour. I desire to be understood that I say nothing against Sunday-schools, or against those excellent individuals who patronise them, and who devote so much of the day of rest to teaching in them. It is not because I value them less, but because I prize the others more, —those schools in which the whole time of the child is spent under the master's eye,—that I have said nothing of the numbers taught on Sundays. There is, indeed, another reason for keeping those numbers out of our calculation; we have no means of knowing what proportion of the children attend the Sunday-schools alone, and how many attend both the Sunday and the

day schools. Thus there were in 1818, as I have already said, 644,000 children attending day-schools, and 452,000 was the number of children attending 5100 Sunday-schools; but those two sums must not be added together, by way of finding how many children in the whole received any instruction. I believe that at least three-fourths, if not four-fifths, of the one class belong also to the other. I have, therefore, thought it better, for these reasons, to institute the comparison between the present and the former amount of education, by attending only to that which forms its great branch—the number of children attending day-schools.

Let us then see whether the number of 478,000 children, attending unendowed day-schools, in 1818, has increased, or remained stationary, or fallen off? Ten years after the dissolution of the Education Committee—that is, in 1828—a great measure was carried in the other House of Parliament, chiefly by the exertions of a noble friend of mine, Lord John Russell—I mean the repeal of the Test and Corporation Acts. As the invidious distinctions which those laws formerly created between churchmen and sectarians, had chiefly prevented their cordially co-operating together for planting schools, this appeared to me a favourable moment for bringing them into one plan of exertion, and for calling on them all to aid in the great work of education. Preparatory to any such attempt, I took the liberty of addressing 700 or 800 circulars to the clergymen of as many different parishes. I had no authority to do so; but trusting to their courtesy, and recollecting the good-will with which the working clergy had helped my inquiries in 1818, I asked for an answer to the Queries contained in those circulars, respecting the state of education among their several flocks. I received answers to 487, which was one-twenty-first part of the parishes of England. That must be admitted

to be a small number, comparatively; but still it appeared to me sufficient to ground a calculation upon. I had taken the parishes indifferently—so many in each county—and I had taken them at random; but from three classes—large parishes, middling parishes, and small parishes;—and I had also taken them indiscriminately from town and country, and from towns of different sizes—and I conceived that the answers given to these 487 circulars would lay a sufficient ground for drawing a conclusion, and forming an average, for the whole kingdom. The result was this: I found that there had been 50,000 children educated in those 487 parishes in 1818, according to the accurate tables then formed by the Committee, and given in the Digest; while the number in 1828 amounted to 105,000, or five per cent. (on the larger number) more than double;—so that, if that calculation were correct, the number of children educated in unendowed schools had considerably more than doubled during those ten years. When I stated from this calculation my confident belief that the whole number of children educated in England had increased in the same proportion; so that where there had been 478,000, there ought now to be between 1,000,000 and 1,100,000, I spoke in the confident expectation that the Returns for the whole parishes of England and Wales would amply prove my calculation to be correct. But I cannot help pausing for a moment to add, that I entertained this opinion, not alone certainly, but in company with only a few of those with whom I acted. There was a great and almost universal outcry against the correctness of the reasoning and the sufficiency of the data, and reverend clergymen, and learned professors, and expert calculators,—but not experienced men,—were loud in their objections. For it was said that the number of parishes from which I had received answers, was but a small proportion of the 11,400 pa-

rishes in the whole country; and that, in the remaining 10,000 parishes, there was no reason why education might not have remained stationary, or have gone back. It was in vain I urged, that these 487 parishes, thus taken at random, would furnish something like an average for the whole;—in vain I foretold that, if the whole Returns were made, my calculations would prove correct,—nay, that they must prove correct, unless a miracle had been wrought to effect what nothing else could accomplish, the progression of education in 487 parishes, taken at random, while all was stationary, or retrograde movement, in all the others. Well, the motion of a noble and esteemed friend of mine in the other House of Parliament, Lord Kerry, has now produced those fuller Returns; they have been classed and digested in great part; and I am now in a condition to shew, not upon 487 parishes, but upon the whole parishes of thirty-three counties, from Bedfordshire to Suffolk, alphabetically, inclusive, containing 10,110,000 souls, and consequently greatly more than two-thirds of the whole country,—that my computation was perfectly accurate, and that I had framed it on sufficient data. I shall not trouble your Lordships with the figures in detail, but give the results at once; and you will then see how far my prediction is verified. In those thirty-three counties, which include Lancashire and Middlesex,—two counties containing a population of about 2,700,000, but the whole thirty-three containing 10,110,000,—the results are, indeed, most satisfactory. Assuming, as we most clearly may, that the rest of the country has now the same proportion of scholars and schools, the result is, that instead of the 478,000 attending the unendowed day-schools in the year 1818, having increased, as I had anticipated, to above 1,000,000, they have increased to 1,144,000, and the number of schools is increased from 14,000 to 31,000. This is

not only not under my calculation, but is considerably above it; and the excess is owing plainly to the progress made since 1828.

I shall not detain your Lordships further on this point than to observe, that the great increase in the endowed schools and scholars has not been attended with a corresponding increase in the children receiving instruction at the endowed schools. On the contrary, these have fallen off in numbers, from 166,000 to 150,000; a fact which—considering the introduction of the new method, the Bell and Lancaster plan, into many of those foundations—gives rise to serious reflections. Such, however, is the present amount of daily instruction. In all kinds of schools, it is given to about 1,300,000 children, without any interposition of the Government, or public authorities. And surely this leads to the irresistible conclusion, that, where we have such a number of schools and such means of education furnished by the parents themselves from their own earnings, and by the contributions of well-disposed individuals in aid of those whose earnings are insufficient, it behoves us to take the greatest care how we interfere with a system which prospers so well of itself; to think well, and long, and anxiously, and with all circumspection and all foresight, before we thrust our hands into a machinery which is now in such a steady, constant, and rapid movement; for if we do so in the least degree incautiously, we may occasion ourselves no little mischief, and may stop that movement which it is our wish to accelerate. I know well the difficulties of maintaining the continuance of subscriptions first begun on occasions of public spirit excited, and beneficent zeal aroused. I know well—as do all men who have bestirred themselves, how little soever, with the purpose of benefiting their fellow-citizens—that nothing can be more perilous than to give contributors an opportunity of saying, what

some will feel, and others will be ready to urge—"We need not subscribe any more, for the Government, or the country, or the parish, has stept in to educate the people, and will now maintain our institution." Let the tax-gatherer, or the county-assessor, or the parish-collector, but once go his rounds for a school-rate, and I will answer for it, that the voluntary assistance of men, in themselves benevolent, and, indeed, munificent, instead of increasing, will soon vanish away; that the 1,144,000 now educated at unendowed schools, will speedily fall down to almost nothing, and that the adoption of such a fatal and heedless course will sweep away those establishments which, at present, reflect so much honour on the community, which do so much good, and are calculated, with judicious management, to do so much more. Add to this, that in many parts of the country—and those the very districts where the people want instruction most—they are by no means anxious for it, nor very eager to send their children to school. Those persons who found and support schools, are of infinite use in encouraging the poor to benefit by their exertions; and all this useful engine of improvement would be destroyed, if the affair of education once were made a parish concern.

I need not dwell longer on this point. The error has arisen from only regarding the Scotch Parish-school Law, which, having worked so well in one country, is expected to produce as good effects here. But a century and a half ago, when there was hardly a school in Scotland, it was of incalculable importance to plant one in each parish, because this occasioned many others to be voluntarily established, and could interfere with no individual exertions then making, and no schools already existing. Who does not see that this is not the case of England at the present day, when we have already nearly as many schools and children taught in

proportion to the population, without any compulsory provision, as Scotland had in 1818, after the Act of William and Mary had been in operation 130 years?

The ground of the Education Committee, in 1818, favouring the establishment of parish schools by law, was the apprehension that the means of instruction afforded by voluntary contribution might prove occasional and temporary; that there was still a great deficiency; and that, instead of this being supplied, the existing schools might be suffered to decay. The experience of the ten years next ensuing, and of the six which followed those ten years, appears sufficiently decisive to remove such an apprehension; and we have now a right to conclude against any general interference of the Legislature, until the efforts of individuals shall be found to be insufficient, and the seminaries which they have established shall be seen going to decay.

While, however, I am (upon the grounds which I have stated) clearly of opinion that no general measure of interference should be adopted, I am very far from saying that nothing yet remains for the Government to do. We are remote, indeed, from the condition in which we can say that every thing is as well as possible for public instruction,—that all is on the best footing in those schools,—that there is a sufficient supply of them,—and that the Legislature and the Government have no duty to perform in connexion with the most important of all important subjects. When I look to the state of the schools, as compared with the constantly changing condition of society, and survey the sort of instruction they communicate, I find them to be defective in very many essential particulars; and to these defects I shall now shortly address the attention of your Lordships; for on the due consideration of them must be grounded, whatever aid is to flow from legisla-

tion ; because, from an examination of them alone it is that we can hope to discover the quarters in which Parliamentary interposition is either requisite or safe.

I say, then, first, that the schools are still too few in number ; secondly, that they are confined to children of an age too advanced ; and, lastly, that they give a kind of instruction exceedingly scanty and imperfect. I am prepared to demonstrate these three propositions by facts which are within the knowledge of many of your Lordships, and would be known to you all, if you deemed the subject of sufficient importance to fix your attention.

First, I am to shew that the schools, numerous as they are, and much as their numbers have of late increased, and greatly multiplied as have been the scholars who attend them, nevertheless are still insufficient for the education of the whole of the people of this country, and for communicating to them even the small degree of knowledge which they profess at present to teach. It is a fact, and it is one of importance to bear in mind, that, if you take the children of any country between seven and twelve years of age, they amount to between 10 and 11 per cent. of the whole population. If that be so, it is demonstrable that the average of instruction of the people of England, at the present moment, is still defective. The whole population of England and Wales amounts to 13,894,000. Of this large population, there is not a ninth* instructed, as the proportion requires ;—no, nor a tenth part neither, for a ninth is 1,543,700 ; a tenth is 1,389,400, and there is only 1,294,000, or very little more than

* The expression of schools for one-ninth of the population means this : That proportion of the whole people (one-ninth) denotes the children of certain ages—thus in a million of people there may be about 110,000 children between seven and twelve years old ; that number, or one-ninth, therefore require schools, in order that all may be educated.

one-eleventh; and this number of 1,294,000 includes 65,000 infants under the age to which my proportion applies; so that it is in truth only 1,229,000 that are provided for, being only between one-eleventh and one-twelfth, and leaving a deficiency of above 300,000 as regards the ages between seven and eleven or twelve. That, indeed, is not the age to which, in my opinion, you should alone look; but I am now calling the attention of your Lordships to the inadequacy of the present provision, even for accomplishing its professed purpose of teaching a little knowledge to children out of the infant state.

The whole amount of this kind of education I have stated as given to not much more than one-twelfth of the population. But this is the average, and unfortunately it is unequally distributed, being most abundant in places where it is least wanted, and where it is most required, least liberally afforded. The average of all England and Wales we shall say is one in twelve; but what is the proportion in certain counties? Why, one-thirteenth, one-fourteenth, and one-fifteenth. And which are those counties, I would ask, where education is the least expanded? They are Middlesex and the County Palatine of Lancaster; and I believe, though I have not the returns, I may add Surrey. Of Middlesex and Lancaster, however, I can speak with certainty, that the proportion is little more than one-fifteenth, being in each a deficiency of near 60,000 children; and these are the two counties in all England in which the importance of education is the greatest; so that the provision for instruction is scanty, exactly in proportion as the circumstances of the people require that it should be abundant. For I ask whether the metropolitan and the great manufacturing counties are not those which every consideration of public policy and of public morals (if things which are one and the same must be spoken

of as distinct) prompts us to instruct most liberally—to fill with the means of education—to stud over with schools? Nor is this inequality of distribution confined to provinces; it pervades districts also. In those populous counties, with their large towns, the general proportion is little above one-fifteenth. But if this average were equally divided between the town and country population, the evil would be less. Unfortunately such is not the case; for in some of the great cities, as London, Westminster, Southwark, and the manufacturing emporia of the north, the average, instead of being a fourteenth, or even a fifteenth, sinks down to an eighteenth or nineteenth. Thus the average for all Lancashire being between one-fourteenth and one-fifteenth, in the two parishes of Ulverstone and Cartmel, where there are about 12,000 inhabitants, it is one-eighth, and in Manchester and Salford, where 182,000 people dwell, it is about one-eighteenth only; so that there is in this great town a want of schools for 10,000 children. In 1818, the average for all England was one-fifteenth; but for Lancashire, it was only one-twenty-fourth; and for Middlesex, one-twentieth. At present Lancashire presents a proportion of one-fourteenth and a half, and Middlesex about one-fifteenth; so that the latter county manifests a greater degree of improvement than the former.

Now, my Lords, what is the melancholy result of this statement? It is neither more nor less than this, —that in the great towns of England there is still so considerable a deficiency in the means of elementary instruction provided, whether as regards endowed schools, or schools supported by voluntary contributions and private exertions, that in those places where it is most important to have the people instructed, there are nearly one-half of the children of the poor destitute of all means of education. I shall call upon your Lordships,

therefore, with the view of remedying this great evil, to adopt the principle sanctioned by the Report of the Education Committee of 1818. I am of opinion that the only safe course which we can take for supplying the lamentable deficiency which I have described, is to furnish the great towns with the funds now wanting, and to apply this public aid so as not to interfere with the exertions of individual zeal, or cut off the supplies of private munificence. This is to be done, in my opinion, by acting upon the principle recommended in the second Report of that Committee. The obvious course is, to plant the school, or rather to overcome the difficulty which generally prevents schools from being commenced—the want of an outfit for providing a building. I would by no means say to the people of Oldham, for instance, in Lancashire, or of Marylebone in Middlesex,—" Here is a sum of L.200 a-year, or L.150 a-year, to pay a schoolmaster or schoolmistress ;" for that would have the effect of preventing many persons from subscribing annually, and it would especially disincline the poor to spare something for quarterpence,—an exertion, on their part, of admirable use, as it not only preserves their independence, but makes them prize far more the instruction which they pay for. But the great difficulty of establishing schools is connected with the first cost—the building or buying a school-house. Let us, then, start the establishment, overcome the first difficulty, and meet individuals halfway who are anxious for the spread of education. Do not even say—" Here are L.500 for this object ;" but proceed on this principle—" If you will subscribe so much, we will subscribe the rest ;" and you will, by these means, instead of repelling voluntary assistance, invite individuals to come forward in the cause. Such was the principle acted upon by the Church Building Commission, as tending to encourage rather than to re-

press, the exertions of the community. It was also adopted by the Government in distributing the grants of L.20,000 voted by the House of Commons in the years 1833 and 1834; and I am happy to say that the manner in which it was bestowed, has produced all the results expected by the promoters of the plan; which was, indeed, only acting upon the Education Committee's Report in 1818. The establishment of hundreds of schools, and the contribution of thousands of pounds for the furtherance of education, has been the happy result; and but for the aid, the somewhat scanty aid, thus afforded, those sums would never have been devoted to this great national object, and those schools never would have existed.

But I come now to the second ground of complaint against the schools established throughout the country. My next proposition is, that they are only opened to children too far advanced in years. I consider the establishment of Infant schools one of the most important improvements—I was going to say in the education, but I ought rather to say in the civil polity of this country—that have for centuries been made. I believe no one who has had an opportunity of observing those institutions, will feel the least hesitation in assenting to this opinion, and in confessing how desirable it is that the system should be generally adopted. But I wish now particularly to call the attention of the House to the reasons of fact, on which alone the usefulness of infant education is established. I assert, that we begin much too late in the education of children. We take for granted that they can learn little or nothing under six or seven years old, and we thus lose the very best season of life for instruction. Whoever knows the habits of children at an earlier age than that of six or seven—the age at which they generally attend the infant schools—whoever understands their tempers, their

habits, their feelings, and their talents,—is well aware of their capacity of receiving instruction long before the age of six. The child is, at three and four, and even partially at two and under, perfectly capable of receiving that sort of knowledge which forms the basis of all education; but the observer of children, the student of the human mind, has learnt only half his lesson, if his experience has not taught him something more: it is not enough to say that a child can learn a great deal before the age of six years: the truth is that he can learn, and does learn, a great deal more before that age than all he ever learns or can learn in all his after life. His attention is more easily roused in a new world—it is more vivid in a fresh existence—it is excited with less effort, and it engraves ideas deeper in the mind. His memory is more retentive in the same proportion in which his attention is more vigorous; bad habits are not yet formed, nor is his judgment warped by unfair bias; good habits may easily be acquired, and the pain of learning be almost destroyed; a state of listless indifference has not begun to poison all joy; nor has indolence paralysed his powers, or bad passions quenched or perverted useful desires. He is all activity, inquiry, exertion, motion,—he is eminently a curious and a learning animal; and this is the common nature of all children, not merely of clever and lively ones, but of all who are endowed with ordinary intelligence, and who in a few years become, through neglect, the stupid boys and dull men we see.

The child, when he first comes into the world, may care very little for what is passing around him, although he is, of necessity, always learning something even at the first; but, after a certain period, he is in a rapid progress of instruction; his curiosity becomes irrepressible; the thirst for knowledge is predominating in his mind, and it is as universal as insatiable. During the

period between the ages of eighteen months or two years, and six,—I will even say and five—he learns much more of the material world—of his own powers —of the nature of other bodies—even of his mind, and of other minds—than he ever after acquires during all the years of boyhood, youth, and manhood. Every child, even of the most ordinary capacity, learns more, gains a greater mass of knowledge, and of a more useful kind, at this tender age, than the greatest philosopher is enabled to build upon it during the longest life of the most successful investigation—even were he to live to eighty years of age, and pursue the splendid career of Newton or La Place. The knowledge which the infant stores up—the ideas which are generated in his mind—are so important, that if we could suppose them to be afterwards obliterated, all the learning of a senior wrangler at Cambridge, or a first-class man at Oxford, would be as nothing to it, and would literally not enable its victim to prolong his existence for a week. This being altogether undeniable, how is it that so much is learnt at this tender age? Not certainly by teaching, or by any pains taken to help the newly-arrived guest of this world. It is almost all accomplished by his own exertions—by the irrepressible curiosity—the thirst for knowledge only to be appeased by learning, or by the lassitude and the sleep which it superinduces. It is all effected by the instinctive spirit of inquiry which brings his mind into a perpetual course of induction—engaging him in a series of experiments which begins when he awakes in the morning, and only ends when he falls asleep. All that he learns during those years he learns not only without pain, but with an intense delight—a relish keener than any appetite known at our jaded and listless age—and learns in one-tenth of the time which in after life would be required for its acquisition.

Now, while the faculties continue so acute, and the curiousity so ardent, much more might be learnt—especially after the second or third years—and all this invaluable time is now thrown away; nay, even during those earlier years—the second and third—while he is, as it were by accident, acquiring his knowledge of external objects, he might also be receiving lessons of an important description, which would never be effaced from his memory, even to the last hour of his life. But so might he certainly in the fourth and fifth year, and after his first knowledge of external objects is completed. All those years—those most precious years—are thrown away; nor is this the only or the worst consequence of that time being lost; for if much that might be learnt is thus lost for ever, much that is pernicious is assuredly imbibed. While good habits, which might be implanted, are not formed, evil ones are fixed, which half a lifetime can hardly eradicate. It is really wonderful how much a child knows, at the age of seven, that he ought not to know, unless great pains be taken to teach him better, to exclude the worst species of knowledge from his mind, and prevent the most mischievous habits from becoming a second nature to him. Listless, indolent, inattentive habits, are formed before the age of seven, and the victim of curiosity becomes an indocile being. Perverse and obstinate habits are formed before the age of seven, and the mind that might have been moulded like wet clay in a plastic hand, becomes sullen, intractable, obdurate, after that age. To the inextinguishable passion for all learning, succeeds a dislike for instruction, amounting almost to disease. Gentle feelings—a kind and compassionate nature—an ingenuous, open temper—unsuspecting, and seeking no cloak nor wanting any guard—are succeeded by violence, and recklessness, and bad morals, and base fear, and concealment, and even falsehood,—till he is forced

to school, not only ignorant of what is good, but also well learned in much that is bad. These are the effects of the old system, the postponed education, and the neglected tuition of infants. But the history of infant schools has been consolitary to the philanthropist; their manifest good effects have roused the attention of the community to the sacredness of the trust reposed in their hands—to the absolute necessity of effecting a total change in the system of education—to the incalculable benefits derived from the infusion of useful learning, upon sound principles, into the minds of children at the docile age, and of giving them innocent pursuits and wholesome habits, while these can yet be implanted in a virgin soil.

More would really be superfluous upon the general advantages of infant schools. I will only add, that in France, as well as in this country, the most sanguine hopes are entertained by all parties, of the benefits derived from their universal establishment. Our enlightened neighbours having sent over accomplished persons to learn the method, infant schools (called *Salles d'Asyle*) are established at Paris, and elsewhere; and, indeed, were I to point out the best I have ever seen, I should say, from the accident of a peculiarly qualified teacher having undertaken it, that the best is at Paris. The authorities of that capital are now occupied in multiplying such establishments. In this country, I think it is now about seventeen years since my Noble friend* and I, with some others, began the first of these seminaries, borrowing the plan, as well as the teacher, from Mr Owen's manufactory at Lanark; and though it has been eclipsed by others to which it gave rise, especially Mr Wilderspin's in Spitalfields, and Mr Wilson's at Waltham Cross, it yet has done vast good in its neighbourhood. On this I

* Lord Lansdowne.

can appeal to any one of your Lordships who may like to satisfy himself on the excellence of the system. The school I allude to still flourishes in Westminster, a few hundred yards from the spot where you now are.

But, my Lords, I do not confine my panegyric of infant schools to the general use of early training; I have a much more precise and definite purpose in view; and when I express my meaning to your Lordships, the proposition will probably be welcomed with the same degree of respect which my calculations received in 1828 from the inexperienced persons whom I have already described. I and my coadjutors may again be described as visionaries, speculatists, enthusiasts, to sum up all in one worst of words—theorists. We walked, but walked onward, among clouds of such phrases, thickly buzzing about from every corner; a little noisy, less troublesome, but offering no kind of resistance to our progress. If my opponents smiled at me, I smiled at them; so that quarrel we had none, and at length they who laughed, were first silenced, then convinced, and are now active allies. And now I am again exposing myself to a repetition of the ridicule, when I state that I consider that the establishment of infant schools in large towns where crime is rife, where the people are closely crowded and ignorant, and vicious as well as ignorant—that planting those schools in such haunts of men as London, Westminster, Southwark, Manchester, Birmingham, and Sheffield, would be the most simple and most efficacious preventive of crimes. It is usual to regard punishment as the means of deterring men from committing offences. I know that there are some who put their trust in the gallows for extirpating vice —that those who recoil from the idea of execution, fall back upon transportation—that those for whom the transport-ship has no charms, yet affect the Penitentiary—that those who dislike the unwholesomeness of

the Penitentiary, yet cling to the treadmill, believing in the virtues of solitary confinement for two weeks, or confinement not solitary, for the residue of six or twelve months. I know that various persons patronise these different punishments, that each has his reason for pressing his particular fancy, and that all flatter themselves their own favourite nostrum will be found the specific for our diseased moral condition. But this I also know, that no one ever stops to examine in what way punishment deters from crime, or asks himself if it really operates in that way at all; resting satisfied with the old received popular opinion,—learned by heart and repeated by rote, without the least regard to its meaning, far less to the reasons it may rest upon, —that "the example of the punishment deters from the commission of the crime,"—and so no remedy beyond punishment is ever thought of as worthy of a moment's consideration. Far, indeed, is it from my intention, to say, "Abolish the Criminal Judges, do away with the gallows, the convict ship, the tread-mill, and repeal your Criminal Code;"—for I full well know that while the present system continues, you must have all the apparatus of penal legislation. I am not, certainly, one of those who believe in the kind of adage I have mentioned—the jingle about example and deterring; but although little good arises, according to my opinion, from the infliction of punishments, yet a great deal of harm would be done by their cessation, and, therefore, I do not say, "Dispense with such inflictions;" but I do really and sincerely declare, from the result of my practical experience, and on all the principles which I ever called to aid me in the inquiry, that the present system of punishment fails so entirely in accomplishing its object, that nothing can be less consolatory to the feelings of him who has to administer criminal justice, or him who presides over the councils

required to execute it. It is almost incredible to those who have not well examined the subject, how little good can be ascribed to punishment in the way of preventing crimes. Hardened criminals may be got rid of by one infliction—banished by another—removed from society by a third—but the example of their suffering, were it far more known than it is, produces very little effect.

Having thus guarded myself from the imputation, which I might have drawn upon myself, of wishing you to alter any part of the criminal code upon these grounds, I may proceed to state my reasons for holding the opinion which I have stated as being mine. It appears to me evident that all who have discussed this question of Crime and Punishment, have proceeded upon an erroneous supposition. They have all assumed, that a person making up his mind about committing an offence against the law, is a reasoning, provident, calculating being. They have all argued on the supposition, that a man committing a robbery on the highway, speculates, at the moment of planning his expedition, upon the chance of being hanged for it; or that a man projecting forgery, is well aware of the punishment which awaits him, and feels a conviction that he shall suffer it. All reasoners upon this subject have gone upon the assumption, that the individuals who commit crimes, calculate beforehand the consequences of their conduct, as the merchant, in his counting-house, reckons on the chances of profit and loss in his speculations; or the farmer—(if, indeed, farmers ever calculate)—on the crops, the markets, and the seasons. That is the first mistake; but there is another not less detrimental to the argument. It is equally assumed, that the individual is, at the time of making the supposed calculation, unbiassed and free in his mind—that he considers the subject with calmness and deliberation—in short, that he is altogether in the same frame

of mind in which we are ourselves, when devising the punishment for his offences—whereas, he is almost invariably under the influence of strong excitement: he has lost money at the gaming-table, and is ruined if he cannot pay it or replace it—he ought to have calculated before he went there, and he might then have reasoned; but that is not the moment to which the penal denunciations are addressed—he thinks not at all till he feels the consequences of his imprudence, and has debts to pay after his losses—has a family and a station to support in spite of them; and then comes the question, what shall he do—and then he is supposed to count the risk of detection, conviction, and punishment, if he plunges into a course which will relieve him from his pressing embarrassments. In circumstances like these, I very much doubt his calculating at all; for what fills his whole mind is his ruined condition; he feels much; he fears much; and he is disordered in his understanding, by the vehement desire to escape from the endless difficulties into which his rash imprudence has hurried him. In such a frame of spirit he is little likely to pause and consider. But suppose him to calculate—his reckoning will not be so much of the amount of danger to be encountered by the criminal act, as of the utter ruin and disgrace in store for him if he be a defaulter. The truth is, that men rush on the commission of the greatest crimes, under the dominion of passions which lay their reason prostrate. The greatest of all enormities are almost invariably committed under the influence of mighty excitement. It is the madness of lust, and a rape is perpetrated—or the fury of revenge, and murder is done—or hatred wrought up to frenzy, and houses are burnt or demolished; the stings of conscience being felt after the offence, and in the calm that succeeds the tempest of passion. Even offences of a more sordid

kind, those against property, and which are more connected with speculation, are planned with such a desire of obtaining the things sought after, to supply some necessity, or gratify some propensity, that in estimating the risk of detection and punishment, hardly a thought is bestowed on those dangers; so that altogether very little reliance can be placed on the deterring influence of punishments, whether seen or only heard of. But if punishment is inefficient, I am sure that prevention is effectual. The schools which have already been established for children at the ages of seven, eight, nine, and ten, exhibit results consolatory as far as they go; but these are very ineffectual instruments of improvement compared with those which I wish to see established, where the child, at the earliest age, may be taken under the fostering care of the instructor,—where the acquisition of vicious habits may be effectually prevented, and the principles of virtue may thus early be instilled into the mind,—where the foundation may be laid for intellectual as well as moral culture,—and where, above all, the habits of prudence, industry, and self-control, may be taught at a season when lasting habits are easily acquired. If, at a very early age, a system of instruction is pursued by which a certain degree of independent feeling is created in the child's mind, while all mutinous and perverse disposition is avoided,—if this system be followed up by a constant instruction in the principles of virtue, and a corresponding advancement in intellectual pursuits,—if, during the most critical years of his life, his understanding and his feelings are accustomed only to sound principles and pure and innocent impressions,—it will become almost impossible that he should afterwards take to vicious courses, because these will be utterly alien to the whole nature of his being. It will be as difficult for him to become criminal, because as foreign

from his confirmed habits, as it would be for one of your Lordships to go out and rob on the highway. Thus, to commence the education of youth at the tender age on which I have laid so much stress, will, I feel confident, be the sure means of guarding society against crimes. I trust every thing to habit—habit, upon which, in all ages, the lawgiver, as well as the schoolmaster, has mainly placed his reliance—habit, which makes every thing easy, and casts all difficulties upon the deviation from the wonted course. Make sobriety a habit, and intemperance will be hateful and hard,—make prudence a habit, and reckless profligacy will be as contrary to the nature of the child grown an adult, as the most atrocious crimes are to any of your Lordships. Give a child the habit of sacredly regarding truth—of carefully respecting the property of others—of scrupulously abstaining from all acts of improvidence which can involve him in distress—and he will just as little think of lying, or cheating, or stealing, or running in debt, as of rushing into an element in which he cannot breathe.

Now, the problem we would resolve, is to find the means of preventing that class from coming into existence amongst whom the criminals that infest society are created and fostered; and to solve this problem, we must first examine of what persons that class is composed. I consider that they come almost entirely from among the poorer orders of the people, and chiefly in the large towns. My calculation, into the data of which I will not now stop to enter, is, that the persons among whom crime is generated form about one-fifth of the population in the large towns, about one-sixth in those of the middle size, and about one-seventh in the smaller towns. The class to which I refer is not among the higher ranks of society, not certainly among the middle classes, nor yet among those immediately below the

middle classes—I mean that most valuable body of the working classes who are at once skilful, industrious, and respectable; but the persons from the body of whom criminals are produced, are a certain proportion of the mere common day-labourers, who, almost of necessity, suffer severe and constant difficulty in obtaining the means of subsistence in the present state of society, and for whose conduct every possible allowance ought in justice to be made. The question, then, is reduced to this—How shall we so deal with this body, this portion, of the people, as to prevent them from growing up with vicious or with improvident habits, which are the parents of vicious ones, and turn them to habits of an opposite description—such habits as will make profligacy, and improvidence, and crimes, foreign to their nature? Then, I say, that planting a sufficient number of infant schools for training and instructing all the children of those classes of the people, will at once solve the problem of prevention. Of this I cannot doubt, unless I disbelieve the evidence of my own senses in England and France, and deny all that I know from the testimony of others regarding such seminaries. In any community crimes would be reduced to an inconsiderable quantity, if infant schools could be established sufficient for the children of all those classes of the community to which I have alluded. The real difficulty is, indeed, inconsiderable—it only relates to providing the schools; for all those persons who have themselves been thrown into evil communication by the want of knowledge, and by early bad habits, have invariably, to their praise be it spoken, looked favourably upon infant tuition. I have had an opportunity, myself, of observing that portion of the community; and I am happy in being able to say that I never saw any one of them, however exceptionable might have been their own conduct, or however deficient they were

in education themselves, that did not express an anxious desire to place their children where they could be better brought up than at home, and made better than themselves. Here, then, is a powerful lever to be moved by us, whenever we shall interfere in this great department of public policy. With such an object in view, and with such facilities as this good disposition in the poor affords, I cannot conceive that there will be any material difficulty in obtaining the means of planting infant schools, in sufficient numbers to train the proportion of the people which I have already mentioned. The cost I know, from an accidental circumstance, to be moderate. A legacy estimated at L.7000, or L.8000, was some years ago left to me, on the supposition that I held certain opinions which I really did not entertain. I, of course, felt that I had no right to take it, given, as it was, under an entire misapprehension; and I destined the money to the purpose of establishing infant schools sufficient to train one of the great parishes of this metropolis—which all the inquiries and calculations made, proved that the fund would easily do. However, the opinion of Mr Hart being taken, and finding that I must undergo a Chancery suit before the money could be obtained, I abandoned it altogether, by renouncing. But, in consequence of the project I had conceived, inquiries were set on foot, by which it was made manifest that for L.7000 we could establish schools which would train that portion of a population of 130,000, which I suppose to furnish the criminals. If the schools were established by the Government, they would probably cost a little more, because Government never can work so cheap as individuals; but I am quite satisfied, that if the wisdom of Parliament gave but the inconsiderable sum of L.30,000 for two years (inconsiderable compared with the millions so easily and so lavishly voted for wars and other evil

purposes), we should be able to provide for the training of the whole of London, on both sides of the river, and that the effects of it, on our criminal judicature, would very soon become apparent, as well as on our parish expenditure. We should witness the improvement of the morals of the community, in the diminution of crimes—the improvement of its circumstances, in the diminished improvidence and poverty of the people. This measure would be remedial, and preventive, and healing in a degree far surpassing all that has hitherto been attempted by the unwieldy arm of criminal jurisprudence.

I well know the consequences of the present system of punishment, and, in truth, nothing can be worse. There are in London thousands of juvenile offenders, as they are termed, and not incorrectly, for they are eight, nine, ten, and eleven years of age, and they have offended; but they are as yet beginners in villany; they are not adult criminals; they are not inured and hardened in vice; they have accidentally, occasionally, as it were, violated the law: but enclosed for a week or two in Newgate, or some other school of crime, some receptacle for accomplished villains, the immature rogues perform their noviciate among the most finished adepts in the art, and return thoroughbred, irreclaimable profligates, to that society which they had left raw and tender delinquents. If there were infant schools instead of Newgate schools, for receiving the children of the needy, a very different fate would attend those unhappy youths. Vice would be then prevented—nipped in the bud, instead of being fostered and trained up to maturity,—and more would be done to eradicate crimes, than the gallows, the convict-ship, the Penitentiary, the treadmill, can accomplish, even if the prison discipline were so amended, as no longer to be the nursery of vice. That the number of infant schools is at

present lamentably inadequate to produce any thing like such good consequences as these, needs hardly be shewn. In the thirty-three counties for which we have the returns, there are only 2200 such schools, with 65,000 scholars, so that, instead of there being infant schools for the mean proportion of one-sixtieth part of the population, there are schools for not much more than 160th part, not much above a third of the demand: and this average is very unequally distributed; for in all the most populous and manufacturing districts it is lower, Middlesex only excepted: thus in Lancashire the proportion is 1-212th, and in Cheshire, 1-223d. In the four northern counties there are hardly any infant schools at all, but the other schools are much more numerous than elsewhere.

I cannot quit the subject of the connexion between ignorance and crimes, without taking notice of an objection which has been raised to my argument. It is said, "Education is increasing, but offences are multiplying still faster than schools," and so men cry out, "You do no good with all your teaching." Upon this I must first observe, that the increase of crimes is not evidenced by the increase of prosecutions, as circumstances have operated to bring before the public of late years many violations of the law which were formerly committed, and not visited with prosecution. Those juvenile offenders are now in vast numbers prosecuted for felonies, who used before to be whipped by their parents or masters, after being taken before a magistrate. It is deemed expedient, in the great desire of criminal justice, to hurry the children off to gaol, there to be instructed in all the arts of consummate villany. Nor has any thing tended more to multiply such prosecutions than the recent alteration in the law, giving costs to the prosecutor out of the county-rates. But if I am asked for proof that the connexion between vice

and ignorance is intimate and apparent, I can prove it, should any one deem a proof necessary of a proposition so self-evident, by documents which leave no doubt whatever on the subject. One or two examples may suffice: 700 persons were put on their trials, in the winters of 1830 and 1831, charged with rioting and arson, and of those 700 (not all of the lowest rank of life, nor, as might be expected, the worst offenders), how many could write and read? Only 150; all the rest were marks-men. Of the number of boys committed to Newgate during three years, two-thirds could neither read nor write. At the Refuge for the Destitute it is still worse; for from an examination there made, it appears that the number of children received, who can read with tolerable facility, is in the proportion of only one in every thirty or thirty-five. A respectable magistrate of the county of Essex, a Member of the other House of Parliament, has given evidence before a committee of that House, and he states that nine times out of ten the persons who come before him are unable to write, and that he is obliged to take their marks instead of their signatures. With such glaring facts before us, I suppose I may be allowed to assert, that it is not mere speculation to connect ignorance with crimes.

The experience in other countries runs parallel with our own on this important matter; and it is principally from a conviction of the truth which I have been propounding, that so general a disposition prevails among the rulers even of arbitrary governments to promote public instruction. Indeed, the greatest exertions have been made for this purpose in those States which have not, as yet, a free constitution. France, I am sorry to say, admirable as her present efforts are, must be reckoned among the lowest in point of actual amount of instruction, excepting, of course, Russia and Turkey:

the former of which is hardly within the pale of society, the latter, certainly without it. As late as 1817, the proportion all over the French territory was one in thirty-five,* while with us it was one in fifteen of the population. But this disgraceful state of things roused the noble spirit of that generous people; philanthropic societies were everywhere formed—the Government lent its aid in founding schools, and in the space of only two years, the proportion was reduced to one in twenty-eight; so that schools must in those two years have been planted for no less than 215,000 children. Since that time, and under the present constitutional government especially, the progress has been rapid, and parochial instruction is now a branch of the law of the land. In Holland, it appears from the report of the celebrated Cuvier, that as early as 1812, there were schools sufficient for the education of 190,000 children, and that the proportion was one in ten, being equal to Scotland nearly. In Wirtemberg, schools are required by law to be supported in every parish, out of the church funds. In Denmark, Bavaria, and Saxony, they are supported by a parish-rate, and even in Russia, which I said was almost out of the European pale, so sensible is the Autocratic Government of the necessity of educating the people, at least in towns, that the public funds maintain schools in all the town parishes. Sweden is, perhaps, the best educated country in the world; for it is there difficult to find one person in a thousand who cannot read and write. The accounts from those countries shew that the progress of education, but especially of infant tuition, has been attended with marked improvement in morals; and it is well known that in

* That is, as before explained, there were schools not for one-ninth of the people, or for all children between seven and twelve, but only for one-thirty-fifth, or for about one-fourth part of the children that require schooling.

Spain, the worst educated country in Western Europe, tenfold more crimes are committed of a violent description than in Germany, England, and France. The opinions of the jurists and statistical writers in Prussia are strongly pronounced upon this subject; and I need not dwell upon what all your Lordships know, the regular system of even compulsory education which prevails both there and in some parts of Switzerland.

But the third proposition which I undertook to demonstrate, relates to the kind of education given at our present schools. Not only are those establishments too few in number—not only do they receive children at too advanced ages—the instruction which they bestow hardly deserves the name. You can scarcely say more in its praise than that it is better than nothing, and that the youth are far better so employed than idling away their time in the streets. They learn reading, some writing, and a very little arithmetic—less it is nearly impossible to learn. I speak of the ordinary day-schools generally; and I affirm that to hear such places called seminaries of education, is an abuse of terms which tries one's patience. Learning of that scanty kind is only another name for ignorance; nor is it possible that it should be better; for the schoolmasters are uneducated themselves; they know little of what they ought to teach; less still of the art of teaching, which every person who is only a little less ignorant than the children themselves, thinks he is quite capable of exercising.

It is strange to observe how far we are behind other countries in this most essential particular—the quality of our education. It should seem that our insular prejudices had spell-bound us, as it were, by a word, and made us believe that a school means useful instruction, and that when we had covered the land with such buildings, whatever was done within them, or left un-

done, we had finished the work of instructing the people. I had lately an opportunity of observing what is now doing in almost every part of France, for the truly paramount object of making education good, as well as general. Normal schools, as they are called,—places of instruction for teachers,—are every where establishing by the Government. This happy idea originated with my old and venerated friend, Emanuel Fellenberg,—a name not more known than honoured, nor more honoured than his virtuous and enlightened efforts in the cause of education, and for the happiness of mankind, deserve. Five-and-twenty years ago, he opened a school for the instruction of all the teachers in the Canton of Berne, of which he is a patrician. He received them, for the vacation months, under his hospitable roof, and gave them access to the lessons of the numerous learned and scientific professors who adorn his noble establishment at Hoffwyl. I blush for the infirmities, the imbecility of the order he and I belong to, when I add, that the jealousy of the Bernese aristocracy prevented him from continuing this course of pure, patriotic, and wise exertion. But the fruits of his experiment, eminently successful as it proved, have not been lost. In other parts of the Continent, normal schools have been established; they form part of the Prussian system; they have been established in other parts of Germany; and I have seen and examined them in all the provinces of France which I visited last winter. I have seen twenty in one, thirty or forty in another, and as many as a hundred and twenty in a third normal school,—all teachers of youth by profession, and all learning their invaluable and difficult art. In fact, the improvement of the quality of education has every where, except in England, gone hand-in-hand with the exertions made for spreading and augmenting its amount, and has never been overlooked, as often as any

Government has wished to discharge one of its most important and imperative duties,—that of instructing the people. It has never, save in our country, been deemed wise to deal out a niggard dole of mental sustenance by teaching mere reading and writing, which is what we call education, and we hardly ever look beyond it. Our neighbours, whom we habitually look down upon, provide a system of learning far better deserving the name. In addition to writing, reading, and arithmetic, —geography, natural history, practical geometry, are taught together with linear drawing, one of the most improving and useful exercises for the humbler classes, which gives them not merely the means of harmless recreation, but valuable habits of observation, and a capacity of acquiring precise ideas of external objects, whether of nature or of art, beside proving actually gainful in almost every occupation, if any question of mere profit and loss is to be mentioned by the side of such high considerations. This accomplishment is universally found not only most attractive to the working classes, but most useful for the improvement it gives them in their several occupations.

I have inquired of well-informed foreigners—not certainly, in France—if, in addition to a little natural history and mineralogy, the children were not allowed to learn civil history also? The answer was, No; that is forbidden; and in certain countries, seats of legitimacy, it may not, without risk, be taught.—So that the pupils learn the history of a stone, of a moss, of a rush, of a weed; but the history of their own country, the deeds of their forefathers, the annals of neighbouring nations, they may not read. They are not to gain the knowledge most valuable to the members of a rational and civilized community. History—the school of princes, where philosophy teaches by example—must present closed doors to their subjects; the great book of civil

wisdom must to them be sealed. For why? There are some of its chapters, and near the latter end of the volume, which it is convenient they should not peruse. Civil history, indeed!—the history of rulers! Why that would tell of rights usurped,—of privileges outraged,—of faith plighted and broken,—of promises made under the pressure of foreign invasion, and for gaining the people's aid to drive back the invading usurper and tyrant, but made to be broken when by the arm of that deluded people, that conqueror had been repelled, the old dynasty restored, and its members only remembered the invader and the tyrant, to change places with him, and far out-do his worst deeds of oppressing their subjects and plundering their neighbours! History, indeed! That would tell of scenes enacted at their own doors—an ancient, independent, inoffensive people, overcome, pillaged, massacred, and enslaved, by the conspiracy of those governments, which are now teaching their subjects the history of the grasses, and the mosses, and the weeds;—tell them that the Bible and the liturgy were profaned, which they are now commanded to read, and the Christian temples where they are weekly led to worship, were desecrated by blasphemous thanksgivings for the success of massacre and pillage! It would tell them of monarchs who live but to tyrannize at home, and usurp abroad—who hold themselves unsafe as long as a free man is suffered to exist—who count the years of their reign by just rights outraged, and solemn pledges forfeited—monarchs who, if ever, by strange accident, the sun goes not down upon their wrath, exclaim that they have lost a day—monarchs who wear the human form, and think nothing inhuman alien to their nature! No wonder, indeed, that civil history is forbidden in the schools of those countries! The tyrant cannot tear from the book the page that records his own crimes and

the world's sufferings, and he seals it up from the people! Let us be thankful that despotism is, for the wisest purposes, made as capricious as it is hateful, and that those scourges of the earth who dare not have their deeds told, yet teach men the knowledge which must, in the end, extirpate their own hateful race.

Those seminaries which they have planted for training masters are an invaluable gift to mankind, and lead to the indefinite improvement of education. It is this which, above every thing, we ought to labour at introducing into our system; for as there are not more than two now established by the exertions of individual benevolence, and as, from the nature of the institution, it is not adapted to be propagated by such efforts, no possible harm can result from the interposition of the Legislature in this department. That there are already provided, and in the neighbourhood of this House, the means of improving our elementary education, and of training good teachers, I have the satisfaction of knowing. In the Borough Road School of the British and Foreign Society, any of your Lordships may, at any time, see a seminary of great excellency. I have lately visited it in company with some of your Lordships, and certainly a more extraordinary spectacle of the progress of instruction among children, I never beheld, or, indeed, heard of, in any country at any time. It is really astonishing how the human faculties could, at so early an age—indeed at any age—be cultivated to such a degree. A dozen or two of the children were asked such questions as these:—"What is the interest of L.535 : 7 : 4 for fifteen seconds?" "How many men will stand, allowing two feet and a half to a man, on three quarters of an acre?" Scarcely a minute was given for the answers, and they were as correct as they were instantaneous. The pupils were never puzzled in any case of calculation but one, and that must have

been from some misunderstanding ; for it was really the only question which I could have answered without pen and ink. But this marvellous display was not confined to arithmetic : among other things I saw a boy take a slate, without having any copy, and solely from memory trace upon it the outline of Palestine and Syria, marking all the variations of the coast, the bays, harbours, and creeks, inserting the towns and rivers, and adding their ancient as well as their modern names. Now, all this is real, substantial, useful knowledge, fitted alike to exercise and to unfold the faculties of the mind, and to lay up a store of learning at once the solace of the vacant moments, and the helpmate of the working hours in after years. I feel quite certain that when those children leave the school, they will be governed by such worthy principles, and stimulated by such generous appetites, as will make their pursuits honest and their recreations rational, and effectually guard them from the perils of improvidence, dissipation, and vice.

Here, then, is the path plain before us—for there is not a single school in which the children might not be thus trained and accomplished. Place Normal Seminaries—seminaries for training teachers—in a few such places as London, York, Liverpool, Durham, and Exeter, so that the west, south, north-east, and north-west of the island shall have the means of obtaining good masters, and you will yearly qualify 500 persons fitted for diffusing a perfect system of instruction all over the country. These training seminaries would not only teach the masters the branches of learning and science they are now deficient in, but would teach them what they know far less—the didactic art—the mode of imparting the knowledge which they have, or may acquire—the best method of training and dealing with children, in all that regards both temper, capacity, and

habits, and the means of stirring them to exertion, and controlling their aberrations. The whole operation would occasion a very trifling expense to the State. I think L.20,000, for five or six years, would, with the individual efforts that must be called forth, suffice for reforming effectually the whole education of the country.

I now come to another branch of the subject, which will bring me to the conclusion of my task, and release your Lordships for the present: it is suggested by the consideration of expense to which I have just been adverting. There are already, we are often old, and justly told, great funds in the country devoted to the purposes of education, and nevertheless, it is said, we would draw upon the public purse for more.* No man is more ready than I am, to admit the ample amount of those funds, and I will add, that they are so applied as to produce a most inadequate accomplishment of the purposes to which they were destined by the donors. In many cases, those funds are rendered absolutely useless by being withheld from the purposes for which they were designed; but in others, they are almost equally useless from an opposite cause—from there being a too strict adherence to the letter of the gift or foundation, which the altered circumstances of society have rendered wholly inapplicable to any good purpose at the present day. If the granter or founder has not given to the trustees a sufficient discretionary power over the property, they are unable to administer it to any advantage without the aid of a private Act of Parliament. If they have no discretion in its application, they cannot provide for a partial or total failure of objects without the expense and anxiety of an application to the Court of Chancery, and even then the remedy

* The sum of L.301,000 a-year has been reported as the income of Education Charities. It must be L.500,000 at least.

is very incomplete. But the chief evil arises from gifts to education purposes, which are no longer of use in diffusing the requisite knowledge; and large funds, indeed, are thus rendered next to useless. Many a man thought two or three centuries ago, that he was conferring a great benefit on his neighbourhood by establishing a Grammar-school, and endowing it with an estate, then worth two or three hundred pounds a-year, at present worth as many thousands. Now, the Court of Chancery holds that a grammar-school is one exclusively devoted to teaching Greek, Latin, or Hebrew; and that to bestow the funds otherwise is a misapplication. I know of a foundation of this kind, in a large manufacturing town, with an income of some thousands a-year, and which offers to the numerous uneducated people a kind of instruction to them altogether useless; while writing, geography, ciphering, book-keeping, mechanics, chemistry, drawing, would be invaluable acquisitions to the whole community. I could name other schools of the same kind, with nearly as good an income, and which support well-endowed masters to teach two or three boys, because they are grammar-schools. The true remedy here is to extend the powers of the Trustees by law.

The imperfections of old foundations may well be illustrated by another example. Pious persons, in former times, thought that they did a good work when they established Foundling Hospitals. They imagined that such institutions would prevent child-murder and exposure of infants, and diminish the other evils arising from the illicit commerce of the sexes. As late as the last century, this was the prevailing notion among tolerably sensible, and certainly moral and religious people: and, if their means had been commensurate with their wishes, we should have had a foundling hospital in every town in the kingdom. That delusion has,

however, long ceased to prevail. All men are now agreed, that such establishments are not charities, but nuisances of an enormous nature, having the direct effect of encouraging immorality and increasing infanticide; and the funds destined to support those hospitals have been otherwise applied, the name alone being retained. Machiavelli says—that, in political affairs, you should beware lest, in changing the name, you alter the thing, without intending it; but he also says, that it is sometimes good, when you would change the thing, to keep the name. This maxim has been fully acted upon in the case of the London Foundling Hospital, and I have seen the bad consequences of following the Machiavellian rule. When lately in France, I made war upon foundling-hospitals, and I found a formidable host of prejudices embodied in their defence; a host the more dangerous, that they have been enlisted in the service by the purest feelings of benevolence. I visited establishments of this description in every part of the south of France. While examining one, I was amused with the self-complacency of my worthy conductors, whose countenances mantled in smiles, while they exhibited for my admiration what were considered the peculiar merits of their institution, especially its revolving box, with the bell, and the comfortable cradle, open at all hours of the night, and nurses ready to attend the summons, and charge themselves with the fruit of guilty passion, or improvident wedlock. Through this wicket, I was told that about half the children in the house were taken in, their parents, of course, wholly unknown; while the remainder (and here was the other boast of the hospital), were received after the most careful examination of the father and mother. My opinion was expected, and, doubtless, a favourable one. I was compelled to admit, that I considered the arrangement, more especially the mechanism of the *tour*,

or turning cradle, to be quite perfect—to be adapted with singular skill to its object; and, I added, that if all the fiends below had met in council to contrive means of propagating immorality, certainly they could have invented nothing to surpass this. But when the rigorous system of examination was relied upon, and when I asked, "If they were quite sure no improper person, among the parents of the 120 children thus received, were suffered to participate in the advantages secured to deserted children?"—the answer was—"None such could succeed in their application, because all were submitted to the most careful scrutiny as to their lives and circumstances." "I dare to say not," said I, "and further, that no persons ever present themselves who cannot stand the tests applied; for why should they, when they have only to go under cloud of night, and leave their infants in the cradle, ring the bell that calls the nurse, and walk quietly away?" It is needless to add, that no answer was made to this, because none could be given. At Bordeaux, too, there is an institution of the same kind, where above 2000 foundlings are maintained; these, as is quite sure to happen, have very much increased, being now one-third more numerous than they were five years ago; and I found that the bulk of the cases which came before the police, were of young men and boys who had been bred in the Foundling.

Many of my excellent and enlightened friends in France held the same opinions with me upon these subjects; but the majority, and especially of charitably disposed persons, overbore us with their numbers, and by their amiable and meritorious, but inconsiderate and unreasoning, feelings of false benevolence. Those persons I always found citing against me the supposed fact, that we have in this metropolis a Foundling Hospital; indeed, a street deriving its name from thence,

and a quarter of the town its property. My simple answer was, that the name alone had been for half a century known among us, the thing itself having long since been put down with consent of Parliament. In Dublin, too, the Foundling, one of the most dreadful abuses ever known in any civilized country, has, though much more recently, been abolished. In neither of these houses can a single foundling now be received. The parents are strictly examined before any child is admitted; and yet all the estates, and all the other funds, were expressly given for the single purpose of supporting foundlings! Who complains of Parliament for having wholly diverted those gifts from the only use to which the pious benevolence of former ages consecrated them? Is not the answer sufficient to satisfy all men, that the benevolence being mistaken, and the purpose mischievous, though well meant, another use must be made of the property, and the bounty of the donors turned into a channel the donors never had dreamt of? So, Lord Chief Justice Ellenborough publicly said, that if the Small-Pox Hospital was found hurtful, it must come down, whatever good intention we might ascribe to its benevolent founders. If, then, Parliament could interpose in such instances, I say it has the self-same right to interpose its authority where there is a pernicious application of the funds given to other charitable purposes; and the locking-up an ample revenue from public use, because there are no children who require tuition in the learned languages, is a pernicious application of funds. From the Statute of Elizabeth downwards, charitable funds have been subject to public control, and dealt with as public property; and the acts of Geo. III. and IV., as well as of his present Majesty, have all recognised the right, the duty, the expediency, of such interference, without in the least disregarding the rights of property, or the

power of the trustees, or others connected with the different trusts. But the remedies given by the law are still very imperfect, and of a kind not at all adapted to some of the most prevalent evils.

Beside such defects in the endowments as I have mentioned, there are few education charities where an improvident application of the funds is not directed. Thus most of them are given not merely for the wholesome, and useful, and little expensive purpose of instruction, but also for feeding, lodging, and clothing the children. Now, unless in certain comparatively rare cases, as that of orphans, a permanent fund of this sort is open to exactly the same objections which have weighed most with the Legislature in reforming the Poor-laws—it is a fund for giving pay without work, and for promoting improvident marriages. That it is also a most wasteful application of money, there can be no doubt. I can illustrate this from the state of the London charities. Of thirty-six education endowments in Middlesex, in the year 1819, the revenue was £31,000 a-year, of which £22,000 arose from permanent funds. In these schools the number trained and educated by the foundation was only 2260, at a cost of nearly £10 (the sum being £9, 10s.) for each child. In four great London foundations, the revenue, at the same period, amounted to £84,000 a-year, and the number of children educated was 1620, being an average of £52 a-year for each child; but of these numbers, some were only day-scholars, as in the case of St Paul's school, which is limited to 153 boys in number; and as the expense of these was, of course, not so great (yet still, I think, from £20 to £30 a-year, which is inexplicably high), the average charge of the others is within a trifle of £54 a-year. The average for education in the Foundling Hospital is the enormous sum of £45 a-year for each of the 195 children in-doors,

while for 180 children in the country, the average was £11, 5s.

Now, if a respectable Board were formed, it could do much for education, and for economy, without any rude or harsh interference. A Board composed of persons who are not retail tradesmen, and so interested in jobbing with the funds, but men who derive authority from their station in society, and from their known disinterestedness in the discharge of a merely public duty, would be able, calmly and deliberately, to discuss the matter with the trustees, even of charities wholly supported by subscription. This we did, to a certain extent, in the Education Committee, and with marked success, though the interests of the tradesmen thwarted us at every turn—those same tradesmen who rejected, at one institution, the proposition of Mr Justice Bayley, to prevent the house being furnished by articles from the shops of the committee of management, and thus made that most learned, most honest, and most humane judge, withdraw in disgust from a charity which he found systematically perverted to purposes of the most sordid avarice. A Board possessed of due weight, and discreetly performing its duty, could, I doubt not, in a twelvemonth's time, convert the thirty-six endowments I first mentioned, into the means of giving the best possible education to 30,000 children, instead of taking less than a twelfth part of the number off the hands of their parents, and maintaining them, with a very indifferent kind of tuition, at an enormous expense, to the great profit of the retail-trade trustee. The spirit of conciliation, mutual respect, and good will, between the managers or trustees and this body, would, I confidently expect, put down those sinister efforts. The bulk of the subscribers, and of the trustees where there is a foundation, are always persons who act upon principles of benevolence, and have no

sinister views to serve ; but, from indolence, and inexperience in business, they get into the hands of the interested individuals I have described, and these succeed in diverting the stream of beneficence into their impure channels, sometimes openly, sometimes covertly by means of the thin cloak cast over their jobbing, of changing the committee yearly, and allowing no one while upon it to supply the articles required, but each one playing into the hands of his predecessor, who is also to be his successor and receive the reciprocation of favour. To terminate these abuses, and also to put the whole of the institutions upon a sounder and more useful footing, it only requires a full and kindly conference between the Board and the disinterested portion of the patrons in each charity, for these only require to be informed and to be supported; they will do their duty in co-operating with the Board, and the good work is finished. Whether anything further may be done for improvement in this matter, I will not at present say. In the first instance, this may be sufficient; but, at all events, endowments of every kind ought to be jealously watched, especially now that the Charity Commission has expired. Trustees should be repeatedly called to account; they should be made aware that there are still some persons in authority who have a control over them, although the Commissioners are no more.

A power should also be given to the Board, without which no endowed school can be expected to flourish for any length of time. However well trustees may perform their office, they should be watched over by this Board, and even where there are visitors or guardians, *custodiet ipsos custodes*. But the power of making strict conditions with the schoolmasters, and of removing them when the conditions are broken, is wanted at present even by the most enlightened and honest trustees. For want of it, in my opinion, many

of the lesser endowed schools are every day going to decay. It is absolutely necessary, in order to make them fruitful in the good things for which they were originally founded. I have not lived in the Court of Chancery four years, to have yet to learn the course which this matter ordinarily takes. There are many who covet the place of the Master of an endowed school, though the salary may be small; but this covetousness is not of teaching the poor. That was the object of the founder, who desired to see instruction diffused among all the children of the humbler classes; but that is no object with the schoolmaster, who lives in the founder's house, and takes the profits of his land. The doors of his school are, no doubt, flung open, and there is no manner of doubt that the poor children may enter—if they dare. No doubt the boy may come in; the parent may send his child, if he had rather his child should suffer under and plague the master, than that he himself should suffer by being plagued with the child at home. If he be so careless of vicarious suffering in his child's person, he may thrust him from under his own eye, and place him under the rod of the endowed schoolmaster, who, I freely admit, will never shut the door in the child's face, nor ever tell him to depart, nor in words threaten the parent, or forbid him: the endowment must in nowise be openly violated. But this I also know, that the master of the charity school has boarders, children of a higher rank and station, under his care, and in his house—the very last creatures in the world that the founder ever dreamt would enter it. The wary master knows full well how the children of the better classes dislike to associate with charity boys; he feels that, as the number of unprofitable pupils increases, the number of profitable ones falls away; and, therefore, although the door is open, the face of the master is not; on his brow perpetual sits

the frown ; his hand beckons not to entice the pupil of humble degree, the sole object of the donor's bounty ; it is lifted only in anger, and as the instrument of punishment ; and the boy, not the teacher, is of course always in fault. Thus I have lately heard in Chancery proceedings, of amply-endowed schools, the poor scholars of which have fallen off from 100 and 150, to one, two, and three ; and yet the foundation exists, the master exists, the house exists, the fund exists for the repairs, and the furniture, and the taxes. The name of the school is, or has been, celebrated as an endowed establishment, but its reputation is among the wealthy, whose children are there boarded at large prices, and taught Greek, and Latin, and fencing, and the dance, while no man knows that it is all the while a charity school, the benefits of which have been handed over to be enjoyed by the rich, and to serve the interests of the master. Now, in many endowments, the power of the trustees to impose conditions is doubtful ; in others, some college at Oxford or Cambridge appoints a Fellow, and takes care to fetter him by no restrictions. And even if conditions are attached, on the nomination by trustees, and the master breaks them, who is to undergo the pains and perils of a Chancery-suit in order to accomplish his removal? Indeed, if the trustees neglect to require a fulfilment of those conditions, no one can, by any proceeding that I know of, compel them to call for a performance : in fact, the superintending power of equity is little better than nominal. The doors of Chancery, like those of the school, are open to all, but there is the schoolmaster's frown and his rod to be encountered in the one, and the heavier rod and sterner scowl of the Master's office in the other. I hold it to be of essential importance, therefore, that there should be the power of removal vested in the trustees, and in the Board.

My Lords, according to the tenor of the observations with which I have detained your Lordships, the Resolutions are framed, which I now respectfully submit to your consideration. I have delayed bringing them forward, not from any indisposition on my part, but because immediately after I originally gave my notice, the Government was changed; and though I took no part whatever in any of the arrangements consequent upon that event, I found all parties were so engrossed with them, that nobody would throw away even a thought upon a subject like the education of the people, until the crisis was at an end. This is the only reason of the delay. I now move your Lordships:—

1. That although the number of Schools where some of the elementary branches of education are taught, has greatly increased within the last twenty years, yet that there still exists a deficiency of such schools, especially in the metropolis and other great towns, and that the means of elementary instruction are peculiarly deficient in the counties of Middlesex and Lancaster.
2. That the education given at the greater number of the Schools now established for the poorer classes of people, is of a kind by no means sufficient for their instruction, being for the most part confined to reading, writing, and a little arithmetic; whereas at no greater expense, and in the same time, the children might easily be instructed in the elements of the more useful branches of knowledge, and thereby trained to sober, industrious, prudent, and virtuous habits.
3. That the number of Infant Schools is still exceedingly deficient, and especially in those great towns where they are most wanted for improving the morals of the people, and preventing the commission of crimes.

4. That while it is expedient to do nothing which may relax the efforts of private beneficence in forming and supporting Schools, or which may discourage the poorer classes of the people from contributing to the cost of educating their children, it is incumbent upon Parliament to aid in providing the effectual means of instruction where these cannot otherwise be obtained for the people.
5. That it is incumbent upon Parliament to encourage in like manner the establishment of Infant Schools, especially in the larger towns.
6. That, for the purpose of improving the kind of education given at Schools for the people at large, it is expedient to establish in several parts of the country seminaries where good schoolmasters may be trained and taught the duties of their profession.
7. That there are at present existing in different parts of the United Kingdom, funds, as well real as personal, to a large amount, given or bequeathed to charitable uses connected with education, but which, partly from want of objects in the particular places to which such gifts are confined, partly from want of proper powers in the trustees, partly from other defects in the foundations, and partly from a change in the habits of the people, have become, in many instances, unavailing to the purposes for which they were originally intended, and are now productive of very inadequate benefit to the country, while from want of publicity, abuses frequently creep into the management of them only to be remedied by tedious and expensive litigation.
8. That, in order to superintend the due and just application of the funds from time to time voted by Parliament for the promotion of education, to establish proper seminaries for training teachers, to encourage the trustees of charities connected with edu-

cation, in using beneficially the powers now possessed by them, to watch over the abuses of trust committed by such trustees, and to control the exercise of such new powers as Parliament may grant them, it is expedient that a Board of Commissioners be appointed, with powers and duties to be regulated by Act of Parliament.

9. That it be further expedient to give such Board a power of filling up the numbers of trustees, when they have fallen below the quorum in any will or deed of foundation, subject to the approval of the special visitor where there is one, and to authorize, subject to the like approval, the sale, mortgage, or exchange, of any property given to charitable uses, connected with Education, for the promotion of the objects of the foundation, as far as these may be deemed beneficial to the community.

10. That it is further expedient to give such Board a power, subject as aforesaid, of directing the trustees of any Grammar-school, where the funds are sufficient, to apply such part thereof as may not be wanted for teaching grammar, in providing the means of common and improved education for the people at large.

11. That it is further expedient to give such Board a power, subject as aforesaid, with consent of the trustees, and subject to appeal to the King in Council, to apply a portion of the funds intrusted to them, in such a manner as to produce a more general benefit, and at a cheaper rate, in the education of the people at large, where the particular employment of the funds directed by the founder has become difficult from want of objects, or prejudicial from the employment pointed out being no longer beneficial to the community.

12. That it is further expedient to give such Board the

power, in conjunction with the trustees, of imposing conditions upon the Masters of Endowed Schools, in respect of taking boarders, and otherwise conducting themselves, and of removing them with consent of the trustees, in case of breach of such conditions.

13. That it is further expedient to give such Board the power of calling, from time to time, for accounts of the management of Endowed Schools, both from the trustees and from the teachers.

14. That it is expedient to require all trustees of charities connected with education, to deliver yearly to his Majesty's Principal Secretary of State, an account of all sums of money received and expended by them in the execution of their trust.

I now beg leave to propose, that, with your Lordships' permission, these Resolutions be read; and it is my intention to move, that the further consideration of them be postponed, by adjourning the debate.

# SPEECH

ON

MOVING THE FIRST READING

OF

# BILLS ON EDUCATION,

DELIVERED IN THE HOUSE OF LORDS,

DEC. 1. 1837.

# SPEECH.

In rising to state to your Lordships the outline of the two Bills for which I am about to claim the attention of this House, I ought first to state the reasons for which I adopt the unusual course of explaining their nature on my moving that they shall be read a first time, and why, therefore, I do not wait until they are printed. I trust that the plan I have adopted will not prove inconvenient to your Lordships; for I feel that if I were to wait in the ordinary manner, until the Bills shall have been read a first time, and then explain to your Lordships the grounds on which I must request your Lordships' support of the measures, I should neither do justice to their framers nor to their promoters; and besides, I really feel that I should not be able to state either the details or the principles of the bills in such a manner as they merit. I should no longer have an opportunity of removing from your Lordships' minds any objections which might start up in relation to the arrangement of my plan; and in coming after those objections, unanswered as they would be, had taken root in your Lordships' minds, I feel that I should hardly be considered to have exercised ordinary care.

If it be said that I might take the chance of your

Lordships' attention being drawn to the Bills in the interval between their being read a first and second time, then I am favoured with an answer to this suggestion in the observations which have fallen from the Right Reverend Prelate* and the noble Marquess,† neither of whom seem to understand that the measures which I am now about to bring forward have both of them before been under the consideration of the House; but they appear to imagine that I am about to bring forward a new plan, and that they are wholly unacquainted with my views. I do not blame either the noble Marquess or the Right Reverend Prelate for not paying attention to the bills when they were before the House during three successive years; nor do I blame them for fancying that I am going to break open new ground—that I am about to tread an untrodden field—and to introduce to your Lordships some new principle; because, from time to time, the matter has been broached in Parliament, and still the House would not give its attention to the subject. The plan was before the House last session, on the first night of the session, and it was printed; and for the purpose of preventing the confusion that usually arises in reading the clauses of Acts of Parliament, and to aid those to whom the repetitions in a statute would be obstructions, I took the liberty of circulating a digest,—an abstract of the provisions of the measure,—that no one might have the ordinary excuse for not reading the Bill, in consequence of the tediousness of wading through its details. At the end of the session it was broached again. It was not attended to at the beginning of the session, because it was then too early; and it was not attended to at the end of the session, because it was then too late.

I cannot say that your Lordships were prevented from

* Bishop of London. † Lord Landsdowne.

applying yourselves to the subject, at the beginning of the session, by the pressure of business, for there was none; and for some time afterwards, your Lordships did just as much. At the end of the session, there came an event which diffused universal joy among all classes of the people, following an event which the moment before had produced extreme sorrow—I mean the change of the sovereign. It is incidental to such occasions that questions of this kind should not be attended to; and in consequence of the desire of her Majesty that no further public business should be transacted during the session, and from the pressure of business, I was going to say—but it was rather from the distractions of pleasure which followed, it became necessary that it should again stand over. One Bill, then, which I now have to bring forward is, in its principles, the same as that which I first introduced; but in reference to the Education Bill, there has been some alteration in the measure originally proposed, and this is now introduced for the first time. With respect to this addition, I may say that I had, last session, hoped that the necessity for its introduction would have been obviated by my Honourable Friend, who was then member for Middlesex,* having brought forward a measure respecting County Rates in the House of Commons; but his plan having fallen to the ground, I was left to devise some new provision to supply the deficiency caused by its failure; and therefore, this additional Bill is now brought before your Lordships for the first time. In all other respects the Bills are the same with the Bill of last session.

It is true that the former Bill has been divided into two, that part which relates to Education generally, having been separated from the portion which has refer-

* Mr Hume.

ence to the better administration of Charitable Funds; and this division has taken place for obvious reasons. I think, my Lords, that I shall best discharge my duty to your Lordships, and to the great subject which I have to introduce, especially as the point has been indirectly discussed in the conversation which took place this night, as well as in that which occurred two nights since, if I begin by stating what appear to me to be the general principles which should be followed in any attempts at improving the extension, and the stability of popular Education; and if, after having stated those general principles, I then explain the particular principles drawn, not only from the policy of every country, but also from the peculiar circumstances of this country and of the present time, and applicable to this measure.

No one is more aware than myself of the difference which exists between universal principles which are applicable to all countries and to all times, and those principles which are drawn from the peculiar circumstances of the present time and of this country; and without minutely attending to this material distinction it will be impossible for our labours to end in a good result.

After detailing those general principles, both general and particular, I shall proceed to unfold the several points of the measures to which I wish, on the present occasion, to direct your Lordships' notice.

First, I think, my Lords, that there ought to be, at no time, in any country, whatever may be its constitution, or whatever its state of society, any positive or direct compulsion as to the Education of the People. I am aware, that some most respectable persons differ from me on this subject; they are not a numerous body, but they are of great weight, because they have paid much attention to the subject, and because almost all of them are possessed of much general information.

Still, however, I cannot help feeling assured that they have been led away by looking at the circumstances peculiar to the several countries in which such a compulsory system exists. My opinion of the system pursued in those countries, and any view of those circumstances is, that their example is totally inapplicable to our own situation ; that it would be absolutely pernicious to follow it ; that persons have been led away from a view of a great evil, by the accidental mitigation of the compulsory system in the States in which it exists ; and that, instead of seeing how bad in itself the principle might be which yet worked well in those States, they have been led to believe that the compulsory system should be adopted here, where it must work ill. They have been the more led away in consequence of their honest ardour and zeal for public instruction ; and they have not brought their minds to a due consideration of the line over which the lawgiver ought not to pass, and beyond which he loses all claim to support, by the violation of the most sacred principles.

If I wished to demonstrate thoroughly that a compulsory system ought not to be introduced, I would put it to any person of common reflection whether it be safe and right, whatever may be the temptation arising from the deficiencies in the existing state of Education, from the risk to be incurred from ignorance, from the duty of the parents, from the mischief which may arise, haunt, and infect us from the breach of this duty of parents ;—I would ask that man to consider how delicate, how perilous a matter it would be, to usurp the parental office by public authority, and prescribe, by a command of the state, fortified, perhaps, by the penalties attached to an offence, the line of parental management which the father or mother should pursue in taking care of the offspring which Providence and na-

ture have committed to their care? Another answer against the compulsory principles, if, indeed, any other be wanting, would be, that it is a violation of individual liberty—a tyranny introduced, no doubt, and I admit it, for a laudable purpose; but, nevertheless, avowing the intention, that, in order to educate people, you will enslave them—that, in order to diffuse instruction amongst them, you will contract their liberty, and introduce a system which is alike novel, horrid, and unbearable to the citizens of a free state, and only fit (if fit at all) for a country ruled by a despotic government where, liberty being little known, slavery is the more bearable. This is my decided opinion. If noble Lords will neither read nor hear, I am not surprised at their want of knowledge on the subject. I know the dryness of it, but I trust your Lordships will at least bear with me while I state my views on this important question.

The next general rule which I would lay down, as fit to govern the conduct of those called upon to frame or consider measures of this kind, is not only that there should be no compulsion exercised, and no interference on the part of the Government as regards who shall or shall not be Educated at all, but that there should be no power given to the Government to Educate the people,—in other words, that the interference of the State should be excluded beyond what is absolutely necessary. With regard to the question, What course of education ought to be chosen? I should look with the greatest jealousy at the legislature of any country deciding it. It appears to me nothing more nor less than tyranny for any government to have the power of saying, "You shall have this instruction, or you shall have none" deciding the number of schools to be established, the kind of instruction to be afforded in them, the mode of teaching to be adopted, and the description of books to be read. I am for no interference on the part of any

authority whatever, but for leaving all parties uncontrolled and ungoverned. I would have no rules laid down either by Law or by Boards, or by the joint operation of Law and Boards together. Neither would I have the Executive Government or the Legislature prescribing a course of instruction, and teaching the people according to their own model. I will presently shew how these great principles may be so modified as to obtain the object which we seek—the better Education of the people—without the breach of the principle itself. In like manner I think that no government should appoint masters—that no government ought to be intrusted with the power of naming those from whom the public at large are to receive the benefit of secular instruction; for if any one were to give me the right of naming the teacher, without superintendence or control as to the fitness of the person appointed, I should not much trouble myself to obtain the power of prescribing the course of instruction; since whatever course might be fixed upon, I should feel confident that it would be as much moulded by the teacher as if an Act of Parliament, or a Board, were to say what course should be taken; both the one and the other are unfit for the task, and even if fit, would be the most improper parties to say what books shall be read, what subjects shall be taught, what shall be the order or plan of education, or what person shall teach.

Although I am stating, most strongly and distinctly, that there should be no compulsory authority exercised by the State, upon the question of whether or not children shall be taught at all, or if taught, in what manner, in what things, and by whom they shall be instructed; although this is the principle upon which my plan is founded from beginning to end, and which I hold to be the corner-stone of any system of Education fit for a civilized community: yet I am, at the

same time, disposed to add, upon all these points,—not that an exception or modification can be admitted, far from it,—but that concurrent principles may be adopted which shall reconcile all difficulties, and enable me to gain the benefit without incurring the loss or the mischief. Thus, though decidedly against compulsion,—against forcing parents to Educate their children,—I am disposed to say,—not only that I am equally against holding out inducements or encouragement to them to neglect the Education of their children;—because it is a duty on their part to have them instructed, and the breach of that duty is, in one sense, a moral offence (an offence, however, which ought not to be visited by the law, as the obligation is imperfect); but I further think it necessary, if you can, without any violation of principle,—that is, without undue interference,—without infringing on the liberty of the subject,—without committing any violation of his rights,—to hold out an incentive, and to give facilities of every sort to enable the parent to discharge his duty, and to prevent him, by all proper means, from neglecting it. If such a course as this were pursued, then would I say we have gained a benefit without incurring a risk. Accordingly, first of all, these inducements and facilities should consist in making Education cheap, good, and easily acquired: but I go further.

I have no hesitation in saying, that the proposal for amending the law, in one or two important points, with a view to promote Education, has found favour in my sight. Such amendments form no part of my plan; but it has been often said, with a view to afford an indirect encouragement to Education, why not extend that provision of the Statute of Frauds, which prevents certain contracts from being valid unless they are in writing? My Noble and Learned Friend* reminds me

* Lord C. J. Denman.

that this is already the law in other countries; I believe that it is so in France. It has been also said, that society in this country is now in a very fitting state for the application of such a provision under that intention. I confess I have no great objection to it. There are occasions when, without interfering with the rights of the subject, or the principles of a free State in the administration of the domestic affairs of the people, being absolutely certain that our plan is correct—and that we are perfectly justifiable, in wishing the people to do something manifestly for their own benefit, we may safely add to the encouragement held out to them by the nature of the thing, something of pressure, in case they refuse to avail themselves of such encouragement. I remember an illustration on this point, which has been employed in the discussion of a question of political economy, often broached, namely, how far a Government is justified in interfering with the industry of the people, in point of policy. The illustration to which I allude, is drawn from the history of Russia under Peter the Great. Although the country abounded with timber, the people had not at that time acquired the use of the saw; and though the staple commodity was deal, yet the houses were most rudely fashioned, and a great waste ensued, because the workmen used no instrument for the conversion of the timber into planks but the hatchet. It appeared to the Government—indeed, it was almost as self-evident to them, as it is to us that it is the duty of parents to Educate their children—it appeared to Peter the Great—and if he never had done a worse action, he would have well earned the appellation which has been given to him—so clearly wrong, and so prejudicial to his subjects, to use the hatchet instead of the saw, that he commanded them to substitute the latter for the former instrument. A discouraging duty laid upon deals cut otherwise than

with the saw, might, it was thought, have the effect of accelerating the use of that tool. A tax was accordingly imposed, and the first year it produced a great return to the Russian exchequer; but the next year there was scarcely a ruble received; for deals had ceased to be cut otherwise than with the saw. Just so, in the present case we may impose such disadvantages on those who are not possessed of Education, as to have the effect of removing obstructions, and doing away with any unwillingness on the part of the poor, to receive its blessings. Now, if I thought the people of this country had come to a universal understanding of themselves,—that they all felt the use of Education, as well as the duty of imparting it to their offspring,—then I should be disposed to listen to the proposition, not certainly of compulsion even by an impost, but that some disadvantage, or some disqualification, should be thrown upon the uneducated; while, on the other hand, some such advantage should be given to the educated as must constitute a distinct and tangible preference in their favour, and thus accelerate the object we all have in view.

With regard to the kind of Education, I certainly should wish to see some improvement, so that instruction may not merely be brought home to every man's door by cheap mercantile schools, of which the poor may reap the advantage, but that schoolmasters may be prepared to perform, well and sufficiently, the important duties of their office. I think we should interfere as little as possible, beyond affording facilities; [illegible] ght not to force, but to help; not to control, but [illegible] o-operate.

I proceed to those principles which are more particularly applicable to this country; in other words, to consider how far the more general principles I have [illegible] d are applicable to the circumstances of England.

The vast number of schools is one circumstance to be taken into consideration. There are somewhere about 50,000 established throughout this country, 39,000 or 40,000 of which are unendowed, and supported by the exertions and subscriptions of private individuals; the remainder are endowed. Now, I am by no means disposed to agree in the opinion, that all children taught at these unendowed schools ought to be considered charity children. The large proportion of them are not, in any sense, charity children. I have the greatest respect for those who maintain Sunday schools; I look upon them as having done great service to the country; but, at the same time, the Education afforded by them must of necessity be very limited and imperfect, at least to those who attend no others; but I speak now of the unendowed day-schools, and how many of the children attending those schools are in a situation to be called charity scholars? Not one-half. Many years ago there might have been one-half, but even then the endowed schools were included. In the year 1820, about 600,000 was the number of children who attended all the schools, endowed and unendowed; and of that number but 300,000 were free scholars, while the other 300,000 paid. Look, then, at the increased number of day-schools, and compare those who pay with those who are gratuitously educated. I find that about 1,120,000 children attend those day-schools, and that out of that number less than 390,000 are gratuitous, while 730,000 —nearly double—pay for their education.

These are facts which have been hitherto much overlooked and underrated, in my opinion, by many individuals, who, in speaking on the subject, have said that a system of Education given in the way of charity is pregnant with evil,—that it goes to lower the character of the children, and to constitute a kind of relation

between one class of society and another which should by all means be avoided, as tending to create an unwholesome state of things in that society; that it is not merely good offices on one hand and gratitude on the other, but good offices combined with a patronising spirit, and an assumption of charity which is not altogether consistent with the independence of character so greatly to be fostered; that the receiving of those benefits can hardly but be attended with feelings of subordination, not to say degradation,—with feelings which lower the individuals who receive them, and give them a notion that they are not independent, but that, being the victims of poverty, they are therefore objects of charity. Now, no one would go further, and I will say no one has gone further, than I, in deprecating the extension more than is absolutely necessary of such a system, and in wishing to see it superseded by one which will make that matter of right what is too often considered matter of favour. But to say that all those are charity schools merely because they are supported by subscriptions, and by the personal efforts, which are more valuable still, of public-spirited individuals; to say that all the children who, by the exertions of those individuals, are enabled to receive instruction, are charity children, as if they were taught in workhouse schools, is stating what no one who had minutely examined the real state of things would ever have ventured to assert.

Another fact which makes it impossible that a general system of Education can be established without regard to local circumstances, and the peculiarity of different situations, is, that whereas a system might work well in one kind of place, it would be found totally inapplicable in another. Suppose, for instance, we were inclined to adopt the course pursued by the Scottish Parliament previous to the Revolution of

1688, which has been often since recommended in the English Parliament, namely, the Parish School system. The first answer to the proposal of establishing by law a school in each parish is, that there is perhaps half a dozen schools in each parish already; and that to add one more, without considering the circumstances of any given parish, would be a very preposterous proceeding, giving a school very probably where it is not required, while only one school is given to other parishes that stand in need of a dozen. That system was adopted in Scotland when there was hardly a school in the country, and trade and manufacture being in their infancy, there existed very little difference between town and country parishes; but, in the present state of our towns and parishes, it would be absolutely and entirely inapplicable. A system that might be good for a commercial, might not be good for a manufacturing town. If applicable to a town parish, it might not be suited to a rural parish. If fit for one parish, it might be quite unfit for another, differing, perhaps, in every respect, as to all the circumstances of its inhabitants. Whatever system you establish should be so formed as to be capable of extension, contraction, or modification, according to the great variety of circumstances which are found to exist in various parts of the country, in different towns, and even in different villages.

Then, with regard to the question of funds. In some parts of the country, these exist in superabundance; in others, there is a certain portion of endowment; and in others, again, there are no funds at all.

Last of all, looking to the state of the country as regards religion, it would be quite impossible, still more strongly perhaps on this account than any other, to introduce a system which is not of an adaptable and a variable nature. There are, in all parts of the coun-

try, members of the establishment; in some, however, a considerable portion of the inhabitants do not belong to the Established Church, but are composed of Dissenters from it. In other places there are no Dissenters. In some there are hardly any others.

Such, then, is the state of the country as regards Education. Much is already done by the schools at present in existence, by the funds provided for supporting them, and the assistance derived from the endowments on the one hand, and the payments made of the children on the other. In introducing any new measure, great care should be taken not to do any thing that may lessen the efforts which are laudably made by private individuals in support of these schools, or in any manner, to take away their funds; but rather to assist in furthering those efforts and contributing towards those funds, than to supplant them by any other provision. It has always appeared to me that it is absolutely necessary that the system adopted should adapt itself to those peculiarities, so as not to interfere with the exertions of individuals already made and still making, but rather should encourage and stimulate those exertions.

Again, it should be kept in view, that it is not merely the means of instruction which are defective,—not merely that the schools are too few, numerous as they are, or that the children are too few, compared with the population, numerous as they are also,—for they amount, between the endowed and unendowed day-schools in England and Wales, to 1,270,000,—but the quality of the Instruction is much more defective than its amount. Many of those schools are called such by courtesy,—and by the extension of courtesy, we suppose that they give instruction to children,—though many of them should be no more called schools, if by that is meant places for the extension of knowledge; and the teachers of them no more deserve their

name, if by teaching is understood that which enables the pupil to learn,—that which leaves him better than it found him,—that which adds to the knowledge he possessed on entering the school—than any one thing can deserve to be called by a name by which any other thing, however different, is known. I do not think this is the universal state of the schools, very far from it. Many of them afford a very admirable example. I admit that many of the National schools, and many of the British and Foreign Society's establishments, may justly lay claim to the title of schools, and that the system pursued there may, without flattery, be deemed a system of teaching; but I will say, that a very large number, —nay, I firmly believe that by much the greater part of the 40,000 unendowed day-schools afford to the youth of England an Education which is exceedingly imperfect indeed. Upon this matter I cannot, of course, enter now into details; but I feel convinced that I do not at all overstate my position, when I assert that at least one-fourth (I am confident above one-fifth) of those schools are in such a state of indiscipline and utter want of accommodation, and, with respect to the learning and capacity of those who assume to conduct them, so totally unprovided, that, except by courtesy,—nay, except in the language of gross flattery,—they cannot be characterized otherwise than as merely pretended and counterfeit schools.

This is a state of things which we are beyond all doubt bound immediately to remedy; and the Right Reverend Prelate has most justly observed, that no one course can more safely or beneficially be applied to the improvement of those establishments, than that of bettering the condition and improving the Education of the persons to whom the task of Educating others is intrusted; in short, furnishing an ample supply of well taught and sufficiently remunerated schoolmasters. It

is out of the question to suppose that a voluntary system of taxation will ever effectuate this important purpose; for what security have we, I beg leave to ask, for that voluntary imposition of the necessary rates in those parts of the country where Education is most wanted—I mean in many of our great cities and large manufacturing towns? It is there that the number of schools is most defective, and that the kind of teaching is also the most lamentably deficient. In some of the great towns of the north, and in the metropolis itself, where it is most wanted of all, people are not to be found who can afford to give their labour, or if they have the time, with purses to afford the means for suitably Educating the poor. Yet these are indisputably the places where Education is most wanted, and for which it is the incumbent duty of the Legislature to provide it.

With a view, then, to all these circumstances, I would proceed to offer my suggestions to your Lordships' notice. First of all, it seems to be admitted on all hands that, whether we are to go further in the way of making grants of money or not, at any rate a Public Department is essentially necessary—called abroad the Department of Public Instruction, but which we should call the Education Department. This establishment is absolutely necessary, if it were only to superintend and provide for the judicious and systematic application of those funds which are occasionally set apart for purposes of Education. Accordingly, the plan which I propose consists, in the first place, in the establishing of such a Board. My object now, is to call your Lordships' attention to the duties which that Education Board will have to discharge. This forms the subject of the first Bill which I intend to submit to your Lordships.

With respect to those duties relating to the super-

intendence and administration of Charity funds, to the remedies for breach of trust, to the better and proper application of the funds for the purposes of Education, they are all matters of arrangement to be considered by themselves, and which will exclusively form the subject of the Second Bill. This division of the matter into two Bills is adopted for various good reasons. There are many persons who feel a difficulty with respect to the distribution of the charitable funds; but as to the part which is devoted to Education, I believe no difference of opinion exists. That is my reason, therefore, for separating the subject. It cannot, perhaps, be ultimately separated, because such a Board cannot properly discharge its duty without having some control over the application of the Charity funds. The Board, as originally proposed by me, was to consist of three paid commissioners, not removable unless by address to the Crown from both Houses of Parliament. To these were added three Ministers of State and the Speaker of the House of Commons; but in the plan I now propose I have omitted the Speaker, and I have also omitted one of the Ministers, so as to make the board consist of two Ministers and three life members. It is almost needless to state why I have made this change. Many persons were of opinion that the Speaker could have no time to devote to this subject; and it being avowedly my intention that the Speaker should only interfere in cases of an extraordinary nature, where his experience and authority would be required, I thought, upon the whole, that it might be proper to omit the Speaker altogether.

Then, with respect to the omission of one of the Ministers, many persons were of opinion that it would be as well to have but two, which would at the same time avoid the inconvenience of having an even number of Members constituting the Board. Accordingly,

two Ministers only are retained. It is necessary that there should be some members of the Government on the Board, because there are many things in which the concurrence of the Government will be required. If I am asked what those things are which render it necessary to have its constant interposition, my answer is, that under the proposed system there will be grants of money, and there will be the administration of those funds; and it is well known that you cannot intrust the task of distributing money to any Board of Commissioners with the same degree of confidence which would be felt, were the distribution made with the concurrence of a Minister of the Crown, whom both the country and the Parliament will look to as responsible. By the arrangement which I contemplate, the Minister of the Crown will not be the person to appoint the school-inspectors and other officers of the Board. But these appointments will be made by irremovable life Commissioners, so as to prevent the abuse of this patronage for political purposes. Of course I here speak of Ministers in the abstract; and, when I make provision against the possibility of Ministerial jobbing, I do so on the principle that we are to legislate upon general views.

The first object of the proposed Board's labours will be to Distribute the Grants which from time to time will be made available, and dispose of those other funds which either exist at present, or may hereafter be placed at their disposal. In the next place, they will have the power, but with the concurrence of the respective local interests, of Founding Schools where they do not exist, or of improving them where already established. The great and leading principle of the Bill is a concurrence, in every instance, of the local authorities—that is to say, of the people among whom these Schools are to be planted, extended, or improved—with the

Central Body, before any change whatever can take place.

While I thus obtain, on the one hand, a security against too great an interference upon the part of Government, and against the abuses which may arise therefrom, providing, at the same time, for a sufficient care of the Education of the country by the Government; on the other hand, I provide a security against local abuses, against neglect or carelessness on the part of the local authorities, and against their obtaining for unworthy purposes the possession of funds which they ought not to have, or raising funds amongst themselves which they should not be permitted to raise. I thus take security against both the Local and Central authorities, by requiring, in every instance, the joint concurrence of both, the one and the other. Your Lordships will presently perceive how the Bill is calculated to work out these objects, and provide this security. The country, for the purposes of this measure, may be considered to be divided into two distinct classes; one, the municipal corporations, whose local affairs are committed to town-councils representing the people; the other, into those districts of the country lying beyond the bounds of any municipal corporation, where the people have no Councils, nor any body in whom the functions exercised by their representatives in corporate towns are vested; in short, where, in my apprehension, there is not at present existing any competent, safe, and trust-worthy body, to discharge those duties which are performed by corporations.

Now, supposing both the one and the other of this description of persons to desiderate the application of the provisions of the Bill I wish to introduce, it becomes incumbent on me to shew in what manner those provisions will be applied and will work. Suppose, in any town or parish, there is a great deficiency found

in the means of instruction—it may either be that there is no school, or that there are too few schools; or it may be that those already existing are of a bad description, and ill provided with teachers; or it may be that two or more of these defects, or all of them joined together (which I am afraid is too often the case) prevail. Immediately, and of course, an attempt will be made, when the Bill comes into operation, to remedy such defects by providing a sufficient supply, or a better kind of education—by extending the number of schools, or improving those that exist. But the town-council of the place can do nothing of itself. It must make its application to the Education department. It must lay a plan before the Board—an estimate of what is required, a statement of the kind of school necessary in, the different branches of education to be taught, the mode of teaching best adapted to the local circumstances, and a statement of the proposed Rules and Regulations for the management of the school, for the choice of the teachers, for the discipline, for the visitation and inspection of the schools, and for the relations between the schools and the patrons. All these rules must, by the town-council, or the new local authorities in the country (of which I shall afterwards speak), be prepared and laid before the Board, with the reasons for requiring a sanction to their proposals. If the Board, on listening to the reasons, are convinced—on examining the plan, approve of it—and, on scrutinizing the estimates, have no objection to them—if, above all, and first of all, after examining accurately the Rules and Regulations of the schools either proposed to be established, or proposed to be extended, or proposed to be improved, the Board approve of them—then, and not till then, it may give its sanction to further proceedings. It may then say to the local authorities—"We see you re-

quire so much money to be advanced out of the Parliamentary grant. Furnish a certain proportion according to the rules which we have laid down, and you shall have the sum required." It is unpleasant to interrupt one's self in a statement, but the Right Reverend Prelate* has made an observation which justifies me in stepping aside for a moment from the course I was pursuing.

The system hitherto adopted in giving assistance from the parliamentary grants, is exceedingly imperfect. The rule laid down by the Treasury is, that, as often as any application is made from any quarter for such assistance, it shall only be given after a certain proportion,—one-half, I believe,—of the sum required, is undertaken to be raised by the parties making the application. This rule was represented as holding the balance quite even between the British and Foreign Society and the National Society. I myself at first thought it was so; and, during the first year, it was perfectly just, for the same number of applications were made from our Society and from the National School Society. When I say "our," it is because I happen to be a member of the British and Foreign School Society, having presided at its first meeting thirty years ago. In the beginning, then, it seemed that both Societies were on an equal footing with regard to the advances made from the parliamentary grants. But this was confined to the first year. The British and Foreign Society, and those classes whom it represents, actually exhausted their funds during that year; they were therefore unable to make a proportionate advance in subsequent years; so that, next year, upwards of two-thirds or three-fourths, or even four-fifths of the parliamentary grant, went to the National Society; and necessarily so, because that Society

* Bishop of London.

and its friends being richer, were able to make the required proportional advances.

It did not, however, at all follow, that because applications were not made from any given place, and by the dissenting classes, therefore there did not exist an equal want of assistance there, and among them. I could name places where aid from the parliamentary grant is most pressingly wanted, and yet there are no means of raising twenty shillings towards the fund. It is, therefore, imperative upon the Treasury to alter their present system. They must have a plan capable of contraction and expansion, of variation and adaptation. To require a particular place to furnish two-thirds or three-fourths of the proportion of the sum wanted, may be, in some cases, asking too little, and in others, to require even a much less proportion of the money may be asking too much, while to require what is exactly right may probably occur only once in five hundred cases. The consequence is, that the money granted by Parliament is exhausted, and yet that Education is wanted in many places. For aught I know, the mere Educating and Training of Teachers may be alone sufficient to exhaust the parliamentary grants; or, it may be, that the parliamentary grants should never be applied, except in those very rare instances where no fund can be got by rate locally, nor by private assistance locally. In all other cases, I apprehend, a School Rate may safely, and ought justly, and will beneficially, be directed under the sanction of the Board, with the concurrence of the local authorities. The people of such places cannot complain of the new or improved Schools, because they have consented to them by their representatives; they cannot complain of their burden, because they have asked it by their representatives. They, and they alone, are to originate the plan. Unless they desire it, they are not to be rated; unless they call for the tax,

the Bill gives no authority to impose any whatever upon them. So much for the liberty which the Bill affords to what may be called the Voluntary Principle, in the proper sense of the word, upon the spot. But, then, on the other hand, that the people should not at their own will and pleasure have the power of rating themselves without the authority of the Central Body, I take to be perfectly clear also; because it does so happen, that even representatives, chosen by the rate-payers at large, are sometimes disposed to incur expenses which their constituents, if left to themselves, would not have allowed. Therefore, it is not at all superfluous to interpose a protection against the possibility of such an abuse. Accordingly, the Joint Consent of the Local authority of the district, and the Central department, is required, before any rate can be made. Observe now, my Lords, how the Bill will work with respect to these regulations, and how its provisions will prevent oppression and abuse.

Suppose a Local Body were to propound to the Board, with an estimate and statement of the want of Education in their district, a set of rules extremely injudicious—a set of rules to which the Legislature and the country ought not to afford its sanction; suppose there should be any intolerance in the case; suppose, for instance, the majority of the town-council should be disposed to oppress the minority; suppose that the Dissenters should have obtained a great preponderance in that body, and should propose that no clergyman of the Established Church—(I am sure that such a case is not in the least likely to happen, but I put it merely as an illustration)—suppose that the Dissenters, having authority in that body, were to propose that no minister of the Established Church should ever be a teacher in their school, it would then be for the Board to say—constituted as it would be, first, by the

three irremovable commissioners, and then by the two responsible ministers of the Crown—whether the school applied for should be established under their authority, and under the powers and provisions of this Bill, from being a master of which, one of the school rules positively and imperatively excludes any minister of the Established Church.

I will suppose another case, which, I hope, nay, which I am quite sure, is as little likely to happen as the last I have been putting; but suppose there shall be any town-council where, instead of the Dissenters having obtained a majority, the Churchmen have got it, and that they shall be minded to propose as one of their rules, that no Dissenter or any other than a member of the Church of England shall ever be master of the school. The Board would then have the power to say to the town-council, "It is utterly impossible we can consent to this. It would be oppressive to the Dissenters; intolerable to all who are not members of the Church; not creditable to the Church itself,—nay, it would be injurious to the Church; therefore, as friends of the Establishment, and friends of toleration, it is our bounden duty to refuse our sanction to a school, one of whose rules is of an exclusive and intolerant description." Why then, it may be asked, what would be the consequence? The majority of the representatives of the rate-payers might say, "We have required to have schools established, and because one of our rules is, that no Dissenter shall be a teacher in them, we are refused assistance. Is it not hard that if we choose, as a majority, not to admit a Dissenter to be a teacher, we should be deprived of any assistance from the parliamentary grant, and not even suffered to rate ourselves?" To which I would make answer thus. "It is all very well for you, who happen to be a majority, that there should exist such a rule, but

there happens to be a minority as well as a majority, and I feel it my duty to interpose the shield of the Board of Education to protect that minority, so as to prevent the majority from acting intolerantly towards them, and from excluding them and their children from those very schools to the support of which you, the majority, require the Board to give you authority to levy a rate upon that minority." Well, then, what happens? The Board refuses to give the council authority to levy a rate. They must be left without a rate, and the parish must be left as it now is, and no school can be established upon this principle. Those who wish to subscribe to a school of their own, where the rule shall be that no Churchman, or that no Dissenter, as it may happen, shall be the master of the school, may do so according to the Voluntary Principle out of their own money; but they shall have no portion of a grant from Parliament; they shall have no power to levy a rate for an unjust, unequal, and intolerant purpose. In all these cases, matters would be left as they now are. I believe that such cases would be very rare, and that they are much more likely to arise in argument than to occur in practice. Your Lordships will, therefore, perceive that compulsion being excluded, that intolerance being excluded, that the joint operation of the Board and the Local authorities being required, and the control of the Board being only allowed where necessary, and where safe as well as advantageous—it may be truly said, that the Voluntary Principle, as far as it can be applied, will, according to the disposition and desires of each place, be exercised in applying the powers of this Bill for the improvement of the school, and the adoption of just and tolerant measures.

But I shall be asked, as I have been once or twice asked by one for whom I have the greatest possible regard—I mean a noble friend in the other House

of Parliament—why, when stating that additional means will be rendered necessary to carry this measure into effect in many places where there are no municipal corporations, I do not take the machinery that is at present existing, instead of introducing new machinery? You have, it is said, the machinery of the New Poor Law; you have the Boards of Guardians already formed; and Unions are likely to be erected in all those parts of the country where they do not at present exist. The Poor Law Bill, I am told, will sooner or later extend over the whole kingdom; and why not, therefore, take advantage of that important measure, for the purpose of facilitating the establishment of schools under the provisions of this present Bill, in places beyond the limits of the municipal corporations?

I think, my Lords, I can answer that question very satisfactorily, and shew how utterly it is impossible, with a view to the well-working of this new measure, as well as the right working of the Poor Law Bill itself, to make the junction between them. In the first place, the Poor Law Commissioners are sufficiently worked. The Boards of Guardians are sufficiently worked already. Indeed, I know of places, where the complaint is made that they do not attend. But I pass that over, for that is really the least of my objections. We have now to rejoice in the event of the Poor Law Bill's entire success in most cases, and in all cases of its succeeding better than I ever expected it would. Though this is certainly not a very popular topic at present, I will not conceal from your Lordships my thorough belief that the measure will, in the end, conciliate—that it is absolutely certain of conciliating all classes. But what I value it the most for, is the good which it has already done in bettering the condition of the poor, in elevating the poor man's character, in increasing the poor man's comforts,

and, above all, in imparting to his character a higher tone of moral feeling, and a greater portion of self-respect. But my Lords, notwithstanding my favour of this great measure, and my certain conviction that, in the end, all men, even those who most strenuously oppose and most bitterly denounce it, will be found reconciled to it—nay, further, will be found grateful for it; yet I cannot disguise from myself, nor conceal from your Lordships, that, in some considerable districts of the country, instead of receiving the favour which it merits, it has been encountered by a spirit of opposition not confined to the Bill itself, but extended to its authors. In those parts of the country it is still what may properly be termed an unpopular measure. But because the new Poor Law Bill is, in some respects, and in some places, unpopular, am I, therefore, to extend any part of its unpopularity, its most unjust unpopularity, to the measure which I am now submitting to your Lordships' consideration? No. A general system of Education, whether under the Bill I now propose, or under any other, cannot possibly be established, much less made universal, over the country, unless the affection and respect of the people are by all possible means conciliated; and it would be one of the least prudent, and least safe courses that could be taken, to load this new measure, and through its medium to load Education generally, with any one atom, however small, of the unpopularity, however unjust, which at present, and only at present, attends the other measure.

In like manner, no doubt, certain controversies, accompanied with great heats and contentions, will at times arise with respect to the administration of the new system of Education. The Central Board may differ from the Local authorities—the Local authorities may split amongst themselves—disputes no doubt

will oftentimes run high, and frequently, perhaps, upon the very question upon which there is the least real ground for difference, and upon which it is most desirable that there should be a perfect harmony of feeling and uniformity of conduct. Against such difficulties the Bill cannot provide, because they arise out of the infirmity of human nature. But they are difficulties peculiar to the Education measure, and unconnected with the Poor Laws. As then I refuse to load my Education Bill with any of those matters of controversy which belong to the Poor Law Bill, so on the other hand, I will not load the Poor Law Bill with any of the difficulties which are peculiar to the Education Bill—which may arise out of the Education Bill—but which cannot by possibility arise out of the administration of the Poor Law Bill, unless some injudicious union of the two systems be attempted. It is my wish, and in the framing of the Bill it has been my endeavour, to keep the two measures completely separate. I would not in any way confound them. Foreseeing a sufficient amount of difficulty in the administration of the one, I am most anxious not to introduce into it any of the bitter strife connected with the other.

I now come to that part of the Bill which relates to the extension of the new system to those places in which there are no municipal bodies. For this purpose, keeping still to the Voluntary Principle, which runs through the whole of the plan, I propose, that if any parish or township—for I am now speaking of places which are beyond the boundaries of municipal corporations—chooses to have more schools, or to improve its present schools, it may obtain for itself such a body as shall extend to it the provisions of the Bill, and enable it to use the new powers created, through the mutual assent of the Local authority and the Central Board. For this purpose it is provided, that

if a given number (five or six for instance) of persons in the parish or township make a requisition to the parish officer, the parish officer shall call a meeting of all persons who like to attend such a meeting. Who those persons are, I will presently state to your Lordships. The bulk of them, no doubt, will be the ratepayers and owners of property in the parish or township. When these parties, together with those whom I shall by and by mention, have been summoned and assembled at the meeting convened by the parish officer, this question is to be propounded to them—"Do you choose to have a School Committee appointed?" If the majority of them say "No, we do not want it—we have Education enough," I do not force it upon them; I leave them as they were, waiting till the general progress of improvement has extended to them, and made them desirous of availing themselves of the utmost advantages that an improved system of Education can afford them. If the majority of the meeting do not agree to have a committee, still it may be said amongst them, "We are the friends of Education, but yet we think there is power enough here among ourselves—we do not like any thing in the shape of Government interference, even through the medium of such a Board as this—we do not like Boards, and we do not like rates—let us remain as we are." Very well, they may remain as they are; the Bill will not apply to them; they may continue in the course which they deem best, or which is the most agreeable to them. But if, on the other hand, the majority say, "We want schools, or, the schools which now exist want steadier friends to support them—it is not right that we should allow our Education to rest upon such precarious grounds—we want a better system of instruction, and more money for that purpose"—then, if they choose, they may appoint a School Committee, which is to be

composed of rate-payers; and the members of the committee so appointed will have the power of levying a Rate for school purposes upon the parish. The Bill next provides for the manner in which this committee is to act, and defines with much exactitude the limit to be imposed upon the authority of the Board on the one hand, and of the School Committee on the other.

From the statement I have just made, your Lordships will perceive that what the Town Council are with respect to Education in Corporate Towns, the School Committee will be in places which have no corporations; and, further, that, by the institution of the School Committees, the system, according to the principle I have already described, will be made quite universal throughout the whole of the country.

And now the question arises, How is the constituency to be formed which is to choose the School Committee? Who are to be the Voters at the district meeting which chooses the School Committee?—I beseech such of your Lordships as honour me with your attention upon this important question, not to be staggered with the proposition for the Qualification of Voters, which I am about to explain; because I begin by stating that it is entirely new, and therefore I know is not likely to find favour in the eyes of some of those whom I address. It may also be objected to by those who are against increasing the weight of the people in their elective capacity. Furthermore, I admit that after it has been once adopted in this measure, it may be extended to other kinds of election;—and I am sure candour can go no further than I am now going. I am raising against myself that which I feel to be the most powerful argument that can be employed against my proposition, and running the risk of alarming such of your Lordships as are generally favourable to the Bill, by admitting the possible perversion to other uses of the

principle I propose to introduce—a principle carrying with it all the startling effects of perfect novelty, with a strong liability to be extended—nay, with a great temptation to be extended to other uses, which many of your Lordships will think a perversion and an abuse of it. I admit that this part of the Bill is liable to all these objections; but still, with the feelings which I entertain upon the subject, it is utterly impossible that I can do otherwise than incorporate it in any measure upon the subject of Education which it may be my lot to bring before the Legislature.

Having pointed out the formidable nature of the objections which I am quite sure will be urged against me, and having also adverted, although I hope only for the purpose of warning your Lordships against them, to your own feelings, and your own prejudices (if I may take leave to use such a term upon such a subject)—having with that view stated the objections to my principle in their broadest dimensions, and painted my project, I really think, in its very worst colours—may I be permitted to add, in fairness to myself, and to my measure, that the principle to which I have thus adverted, is not so combined with the Bill, as to be inseparable from it, if there should be found to exist an invincible repugnance to it; so that those who approve generally of the rest of the measure, but object to that one portion of it, will not be under the necessity of voting against the whole Bill. That part of the Bill, if the objection to it shall prove insuperable, may be lopped off and cast away, without injury to the remainder. If your Lordships please to tear out that provision of the Bill with all the disgust, aversion, and abhorrence that men can entertain towards any proposition, you may do so if you please—it does not necessarily affect the rest of the measure. I hope it has vigour to survive the operation. My first hope is, that

the operation will not be performed: but it does not follow that death must ensue. Do your Lordships suppose that it is Universal Suffrage that I propose to introduce? I think that something may be said for Universal Suffrage in an Education Bill. The qualification of those who are alone to levy the tax, requires that they shall pay the tax themselves, which they join in levying. I do not propose Universal Eligibility, or election without qualification, as regards the constitution of the School Committee. Not at all. The School Committee is to be composed of persons who pay as their neighbours pay, and who have no right to put their hands into their neighbours' pockets, without, at the same time, in the same proportion, putting their hands into their own. So that Universal Suffrage, if applicable to the Education franchise, that is to say, to the franchise for the choice of a School Committee, whose duties are to be confined exclusively to the management of school concerns, is not liable to the same objection in this instance, as it would be if applied to the election of Members of Parliament; because, the party chosen has the qualification of being a rate-payer himself, although he may be elected by persons who, having no property, pay no rates.

But, in truth, it is not Universal Suffrage that I am anxious for; I propose a qualification for the franchise —a qualification not only, I am much afraid, infinitely restricted in comparison with Universal Suffrage—not only a qualification, I am sorry to add, that will exclude a vast portion of my industrious, honest, worthy fellow-citizens, in every part of the country—a qualification that will not only keep out from all concern and all voice in the affairs of any one parish or township, a vast many thousands of those who would in every other respect be most fit to take part in the proceedings of these School Committees—but a qualification so

restricted, that when I state the nature of it, your Lordships will at once perceive how peculiarly appropriate it is where the question is about choosing a committee for superintending the affairs of a School. In a word, I propose an Education Qualification.

The Legislature has given the right of choosing Members of Parliament to persons who possess a £10 household franchise, or a 40s. freehold. It has also given a right to choose town-councillors to persons who are rated in any way. Of course my object is, that all those persons who are rated at any amount whatever, shall, in the first place, enjoy the right of voting for the School Committee: but then I go farther. I hold that there can be no harm, but every kind of benefit possible, in extending it in the direction I am about to describe. We want well informed persons; we want persons of sober and industrious habits—men whom we can safely trust—men who are not likely to be led away by their ignorance, or to be debauched by bribery and corruption, to which persons of dissipated habits, and who are not respectable in their life and conversation, so often yield. I propose, then, to take those men who have given a proof that they are of sober habits—that they are of industrious lives—that they are friends to Education—that they have made efforts to Educate themselves; men who, to a certain extent, have profited by their successful efforts, and have already, to a certain extent, become Educated men.

In the first place, I may, perhaps, be asked what test I have that these men are sufficiently Educated? and in the next place, it may be inquired how, when I have proved the extent of their Education, I propose to unite them with the particular locality in which the provisions of the Bill are to be put in force? In reply to these questions, I beg to state, that in order to combine the voters with the locality, I require twelve

months' residence. It is provided in the Bill that no person having the remainder of the qualification shall be at liberty to use it, unless he has also been resident in the parish or township for the full period of twelve months.

These, then, are the persons who, independent of the rate-payers, will be admitted to the franchise. The Board will have the power of enrolling, by an act of its own, all Mechanics' Institutions, all Associations for Education, all Literary Societies for all classes, and all Education Societies for all classes, under certain restrictions and according to certain rules; so that all persons who have, for a certain time, been members of those most useful, most meritorious bodies—all persons who, for a certain time, have devoted themselves to the affairs of those societies and associations, and thus promoted the Education of others or improved their own—all those persons, having passed a certain time in such courses, shall have a right to vote, each in the parish in which he resides, for the members of the School Committee. I go a step further. I propose to extend this privilege to all persons, of whatever rank, who have been educated at either of the Universities, at the Inns of Court, at the Inns of Chancery, at the Public Schools, or any Schools whatever enrolled and connected with the Board, and of all classes of the community whatever, be they high, middle, or low—I propose that all these persons, the time they have spent at school being taken as a guarantee that they are not ignorant, illiterate, uneducated and dissolute persons, shall, after a year's residence, be admitted to the right of voting on the school affairs of the town, parish, or district in which a School Committee shall be appointed.

I have thus detailed, boldly, and at once, all the points of the Bill upon which I anticipate the strongest opposition. The principle of election which I last

explained is, I know, the most formidable. I might have omitted it altogether—I might have left the franchise in country districts and in unincorporated towns upon the same footing as that upon which it already stands. But as I entertain now, and have always entertained, a very strong opinion in favour of this kind of encouragement to Education, in favour of this species of indirect—I cannot call it compulsory—furthering of education—as I have always had a very strong opinion of the merits, the transcendent merits of those industrious classes, who, to their immortal honour, struggling with every disadvantage—struggling against narrow circumstances and cramped means—struggling against the difficulties and the disadvantages that result from an imperfect Education—struggling against the obstacles and impediments presented by those who would discourage them in their efforts to improve, from a foolish and preposterous jealousy of their treading upon their own heels ; and who, for that cause, would prevent them rising in society by the best and most meritorious ladder, mental superiority—who, labouring and struggling under all these disadvantages and discouragements, still occupy the highest place in the estimation of those who look at man beneath the surface—with the heartfelt respect which I have always cherished for those persons—with the affection and love which I entertain for those classes from a long and intimate knowledge of them, and from a deep and daily increasing sense of their transcendent merit, both of understanding and honesty, and I must be permitted to add, of genuine independence ;—I believe I should not have discharged my duty, nor have acted fairly towards my own feelings and my principles, nor fairly towards the persons I have mentioned, nor fairly towards this great Catholic measure of Education, if I had not in the outset declared and explained the nature of the principles

I have been desirous of introducing into it, and which I anxiously hope will be permitted to receive the sanction of the Legislature.

I prefer making the statement boldly and at once, because I know I should not have been able to press the Bill through another stage without the necessity of apologizing to your Lordships for having, in the first instance, avoided any allusion to so new and so important a principle. But I take leave to add, that I have never concealed from your Lordships, for the last two or three years, the strong impression which prevails, in my mind, of the necessity, as I stated the other night, of a material extension of the Elective franchise, properly so called. I speak, now, not of the School franchise, but of the Parliamentary franchise. The Parliamentary franchise, it is true, has nothing to do with the measure I am now bringing forward, and ought properly, no doubt, to be altogether excluded from your consideration upon this occasion. If I advert to it at all it is for the purpose of reminding your Lordships of what I stated a few nights ago, and which has, elsewhere, been most unaccountably misunderstood. It is said that the idea of a further extension of the suffrage is a new opinion which I have recently taken up—an opinion that I have never advanced before. Why, I stated the very same thing in the last Session of Parliament. I declared, only a few months ago, standing in my place in this House, my deliberate opinion, that to amend a few of the details of the Reform Bill would not be sufficient, but that it would be absolutely necessary to extend the right of voting. I have got no new light upon the subject, although I believe others have. I hold, now, the same opinions that I held the last Session, and which I have just declared, or rather repeated. At the close of the Session, I expressly and explicitly stated what my opinions upon

this point were; in July last, I entered upon an extensive correspondence to ascertain the proportion of persons excluded from voting; and only about six weeks ago, I repeated the same opinions again, in a letter addressed by me to the people of Manchester. To say, therefore, that I have received anything like a new light upon the subject, is a mere forgetfulness of the whole facts of the case; and I should not be doing full justice to other persons, nor common justice to myself, if I did not take this opportunity of alluding to the erroneous statement. But this has no connexion with the Education Bill, the franchise conferred by which is, as I have already explained, a very ample extension of the franchise as it is given either by the Reform Bill or the Municipal Corporation Bill. That part of the Bill, however, which relates to the franchise is separable from the rest. It mixes itself up with none of the other details of the measure. It appears to me to be a great improvement; and I hope and trust the Bill will not pass without it: but if any man object to it, unless he be averse to the rest of the Bill upon other grounds, he will have no right to endeavour to defeat the whole measure on account of any disinclination or aversion which he may feel for this part of the proposition: it can with ease be separated from the remainder.

I have not introduced the vote by Ballot; I do not consider that the vote by Ballot would be applicable to this subject. My opinions upon the extension of the Parliamentary franchise have undergone no change. I have stated formerly to your Lordships, and I now again repeat it, that I think the Parliamentary franchise ought to be greatly extended. My opinion upon the Ballot has undergone some change, and I am not ashamed nor afraid to avow it. I still think that the Ballot will afford no protection to the tenant; I still think that it will be inefficacious to the protection of the tenant even

in towns; but, at the same time, I cannot shut my eyes to the fearful position in which the working of the Bill has placed another class of voters, who deserve protection as well as the tenants—I mean the inhabitants of the towns, the honest tradesmen, who dare to vote as their conscience dictates. Therefore it is, that I have come to the opinion that the Ballot must be tried, unless some other measure can be devised and passed for the protection of that valuable class of the community. Having come to this opinion with the utmost reluctance—having had all along, for reasons which I need not now repeat nor explain, because I oftentimes adverted to them in the other House of Parliament—having throughout the whole of my life entertained a degree of repugnance and aversion for the Ballot, which I have never found words sufficiently strong to express; nothing but an absolute uncontrollable necessity—nothing but the total want of any other remedy—nothing but the despair of finding (after so many fruitless attempts have been made) even the shadow of a protection to the honest and conscientious voter, in any other direction, or from any other quarter—nothing short of this could have persuaded me to overcome my great dislike of that measure. The experience of the last two or three years, and more particularly of the last election, compels me, with great reluctance, to become a convert; and I do not hesitate to avow my conversion. However, I do not think that any necessity exists for introducing the Ballot in School elections. Here, I think, the common mode of voting would be preferable. At all events, I expect it will succeed. Whether your Lordships and the other House of Parliament shall be of opinion that the Education Suffrage shall be adopted to its full exent, or with restrictions and modifications, or shall be omitted altogether, leaving the rate-payers only to elect the School

Committee—in either case I am quite sure that there will be no necessity to prescribe any other than the ordinary mode of election in the choice of those local bodies.

I have now stated the outline of all the provisions of this measure. I am perfectly ready to admit that it is one of considerable extent, in many respects new, and in all respects dealing with interests of the highest importance. I think that the more your Lordships consider its details, and the principles upon which it proceeds, the more it will be found to deserve the name which I last year gave it, namely, a measure for the purpose of doing all that is wanted for the Education of the people, without doing more; of interfering on the part of the Legislature and the Government as far as is necessary, and no further; a measure for reconciling all individual desires and all local interests, and interfering with none; supplanting nobody, suppressing no efforts, and giving rise to no vexatious heartburnings or jealousies, but simply consulting the improvement of the people, and the bettering of their condition, without at all interfering with their domestic affairs, or endeavouring to force those who, to be really improved, ought only to be enticed and drawn. It is a Bill which reconciles many apparent inconsistencies, and establishes forms, amounting, in the whole, to one great Universal System of Education, as far as anything systematic can be applied to a country, the diversities of whose local circumstances are so great and various as they are in England.

If, in bringing forward a measure upon this subject, I had overlooked or neglected the great number of schools already established, the great amount of Charitable Funds applicable to the purposes of Education, the unequal distribution of those funds, and the state of the country with respect to its religious denominations; if, neglecting all these circumstances, I had at

once framed a plan upon some general, systematic, symmetrical principle, it would have appeared far more plausible to your Lordships, much more beautiful to contemplate, much more deserving the name of a system, much more entitled to the useless praise of symmetry and proportion; but when it came to be worked, it would have been found applicable perfectly to no place, repugnant to the feelings, and irreconcilable to the interests of many places, and in almost all places, less advantageous than a measure founded upon the principles upon which I have now presented my plan to your Lordships' notice. I entreat your attention to the subject; I anxiously hope for the support of the country, and for the support, above all, of those who have been the steady, the zealous, the indomitable friends of Education for all classes and all sects.

That there should be any clause in a measure of this sort excluding Religious Instruction, no man in his sober senses could ever for a moment dream. That there should be no exclusion of religious instruction, but that, on the contrary, there should be a direct recognition of it, is my very decided opinion. I certainly am one of those who think that the Bill should contain, in positive and express terms, a provision, that in all schools founded, extended, or improved under the Bill, the Scriptures shall be read. Accordingly, I have inserted a clause to that effect. When I say that the Scriptures are one of the books which should be read in these schools, I of course mean that it should not be the only book read there; far from it; God forbid! —for the sake of religion and of the Bible itself, God forbid!—but that, as a part of the reading in such schools, the Holy Scriptures should be used, with a proviso, of course, that any children of Jewish or Roman Catholic parents, attending such schools, shall not be required to be present when the authorized version

is read, unless the parent shall desire it, is my clear opinion, and I have framed the provision upon it. I have no doubt that this is fit and proper to be added to the Bill; and I am certain that it will still all differences upon the subject of a National System of Education.

I have sanguine hopes of the success of this measure. If it be well administered—if Education continue popular in this country—if nothing be done to raise the spirit either of political faction, or, above all, of religious discord, in the course of the passing of the Bill—and if, after it has passed and come into operation, those feelings shall continue which take their rise out of a common, and universal, and truly wise, as well as truly Christian regard for the Right Instruction of the People—then, I verily believe, that the Legislature which has passed the measure, will be acknowledged in all time to come, as having bestowed the greatest blessing that ever lawgiver conferred upon a nation, and all generations of mankind, in all ages, pointing to this Parliament, will magnify and venerate its name.

# SPEECH

UPON THE

# BILL FOR ABOLISHING SUBSCRIPTION

IN THE

# UNIVERSITIES OF OXFORD AND CAMBRIDGE,

DELIVERED IN THE HOUSE OF LORDS,

AUGUST 1. 1834.

# SPEECH

ON

## ABOLISHING SUBSCRIPTION.

I RISE, my Lords, to deliver my opinion upon this important question, which has excited, both within the doors of Parliament and without, an extraordinary, but not disproportionate, degree of interest; and my principal object in addressing you at the present period of the debate is, that I may, if possible, recall your Lordships to that which is the real question before you. For I have observed that, one after another, the noble Lords who have addressed you upon this subject, have begun by complaining that my noble friend who opened the question, digressed—as those noble persons were pleased to say—into matters not connected with the question; and then they themselves,—the complainers—without any exception, or at the utmost with the exception only of the illustrious Duke and the noble Duke,* the Chancellors of the two Universities, committed, in the course of their addresses, the error of digression, which they attributed, most incorrectly, to my noble friend. All of these noble Lords have set themselves to discuss a question which is not before the House, and particularly, I will say, the most Reverend Prelate† who last addressed your Lordships, whose argument has been logical, conclusive, full of illustration, abounding in facts, and conveying much information respecting the course

* Duke of Wellington. † Archbishop of Canterbury.

of study at the Universities, particularly at Oxford; but who, throughout, was arguing an abstract proposition or thesis, and not discussing the question actually before us,—Whether the Dissenters shall be allowed to matriculate in the one University, as they are now allowed in the other, and to take Degrees in both. But the speculative question, which alone his Grace argued, is never likely to come before us—Whether or not it is expedient that there should be a disconnection between the education and discipline of the University and the established religion of the country. I will presently shew your Lordships that no two questions can be more distinct, more utterly independent of each other than these two, and that he who votes to-night for the second reading of the Bill, may to-morrow, if he thinks fit, most consistently, and without the violation of any principle whatever, object to any measure for altering the internal discipline of these two learned bodies, and for severing them from the Established Church.

I must first remind you of what it is that this measure seeks—what it proposes to effect—what, I am afraid I must add, with my noble friend at the head of the Government,* it will not very efficaciously or very certainly accomplish, and also what is the real practical grievance that has occasioned its introduction. To begin with the last of these points, which is the first in the natural order of the subject. The noble Duke,† the Chancellor of the University of Oxford, has argued as if every thing was going on at Oxford as well as possible—as if, at all times, all matters there had been upon a footing perfectly satisfactory—as if no complaint was heard, and as if no occasion for complaining existed. Giving this assumption the benefit of much repetition, if it had no other help, he again and again said, "When all is so satisfactory, why interfere to

* Earl Grey. † Duke of Wellington.

make these changes;—why force a measure of this kind upon the Universities when nobody complains—when nobody has a right to complain—when every thing is as good as possible in this best of possible systems?" I am a practical man, like the noble Duke. I am here for no speculative purpose whatever; I am here to moot no abstract question; nor to ask your Lordships for any hypothetical vote upon an imaginary case. I am here upon a practical measure, introduced and to be supported, if supported at all, upon this specific ground, that it is reckoned a remedy in practice for a grievance which is practically felt. Remove that ground from under my feet, and I have none whereon to stand, and shall be disposed not only to move that this Bill be read a second time this day six months, but even to meet it with the previous question, the most approved Parliamentary mode of giving a negative to an unpalatable, or to a vain and needless abstract question. If it be not a practical grievance, that because a man happens conscientiously to differ from you upon religious questions,—you being, from conviction, members of the Church of England, and he, from the like conviction, dissenting from its doctrines,—that, because, while you, from conscientiously approving of its doctrines and its discipline, subscribe to the one, and yield to the other, he, from as conscientious a persuasion, refuses his assent to either, without any interest, but against his interest—(for even if all tests are removed, he dissents from the Established Church to his inevitable injury in many respects);—if, I say, it be not a practical grievance that he who, against his interest, and on account of his conscience alone, cannot, unless he play the hypocrite, adopt your doctrines and submit to your discipline, is, for that reason, and that only reason, excluded from some of the most valuable temporal rights which a citizen can enjoy;—if that be

not a practical grievance, then I admit that there is no foundation whatever for the present measure. But, first of all, is it nothing, that the man who conscientiously dissents from the doctrine and discipline of the Church of England cannot educate his children, or if he be a young man, cannot himself receive the advantages of education, at either of the two most illustrious, most ancient, and most justly renowned seminaries of public instruction in the whole civilized world? Is it nothing that, in order to obtain the advantages of education, either for himself or for his son, he must resort to other countries at a great expense, and undergo, besides, a species of banishment, instead of being admitted to institutions which you yourselves, by way of giving my argument greater force, and of stamping the grievance of the Dissenter with evidence of greater value, are the first to boast, are infinitely better than any other seminaries established, or ever likely to be formed, in this country? Is that no practical grievance? From all these sources of education the Dissenter and his family are cautiously and scrupulously excluded, because he conscientiously differs from you upon certain abstract points of religion, not perhaps very material in themselves, but which, as long as the exclusion continues, he is sure to think most important, and sure never to abandon. But the grievance does not stop here. Has the professional man, if he be a Dissenter, no reason to complain? Is it nothing that he should be excluded from the possibility of belonging to one of the most useful, most liberal, and most lucrative professions to which the King's subjects can devote themselves? Is it nothing that for this profession he cannot be educated at all at Oxford, the doors of that University being closed against him from the first; and that at Cambridge his course is arrested just at the period when his education can be, professionally, of any avail

to him? Is it nothing that a Doctor of Medicine a Dissenter cannot be, either at Oxford or at Cambridge; but, in order to obtain this degree, he must resort either to Paris or Pavia, to Edinburgh or Glasgow? Some noble Lords, perhaps, of large incomes, and knowing nothing of pecuniary difficulties but by report, may think this nothing; but let me remind your Lordships, that the rule which says, "Because you are not a member of the Church of England, you cannot be an English physician without going abroad for two or three years, and obtaining, in some foreign University, a doctor's degree," is a law savouring of persecution—a law entailing upon the subjects of the realm the very practical grievance of expense which they may be unable to defray, and of banishment which they must dislike to endure;—and all because they are honest, conscientious, and pious men. Then what does the Bill propose to do? This, and nothing more:—It abrogates whatever practice tends to exclude from matriculation at Oxford, or from graduating at either University, by exacting subscription to the Articles of the Church of England,—it declares that this ceremony shall no longer be required in either of those learned bodies. In other words, it proposes that the Dissenters shall be allowed, without any religious test, to matriculate at one, and to graduate at both Universities, if, in every other respect, they are fit for being entered to learn, and for taking degrees to practise. It is the greatest fallacy to suppose that the measure imposes any force upon the Universities, or compels them to grant degrees to Dissenters. How, indeed, could it—or how could any measure do so? The Colleges or Universities which have now the power of conferring those distinctions will still have the power of giving or withholding them as they shall think fit, in the circumstances of each particular case. The young students

may still be refused admission, and the probationers degrees, whether they belong to the Church or to the Sects; but both will be admitted and excluded equally, because the test will be, as it ought, desert, and not religion. All that the Bill proposes is to save the Universities themselves from what must be the inevitable consequence in the end, of making subscription a condition precedent to the admission of a student in the case of the one University, and in the case of both Universities a condition precedent to the taking of a degree; namely, that other rival seminaries will rise upon the ruin of those ancient bodies. It proposes that they shall enter into competition with all new establishments on fair and equal terms, and disencumbered of this test, which is at once a grievance to those whom it excludes—and let me add, persecutes—and a serious drawback to the Universities themselves who exclude them. I have thought it necessary to remind your Lordships of these things, trite and familiar though they be. But I confess if I had not heard the assertion of the noble Duke, that there was no ground of complaint against the Universities, and especially the University of Oxford, I should not have felt justified in going over even the heads of the subject, stating the nature of the practical grievance complained of, describing the manner in which it operates, or shewing how the Bill proposes to remedy it.

I feel, however, in common with my noble friend at the head of the Government, that there is in the measure a considerable defect; for if the Universities will not regard the question in the light in which I view it—if they do not feel the restraints which they impose to be oppressive—if they do not think their fetters galling, even to themselves—if, closing their eyes to what is really not only just and liberal towards others, but conducive to their own interests, they per-

severe to the uttermost in that system of exclusion which has hitherto rendered them less useful and also less flourishing than they might otherwise have been—then I agree with my noble friend, that any measure of this sort, not receiving a cordial and well-natured reception from the learned bodies, will be but imperfectly executed; and, consequently, that the Dissenters will not benefit so much by the change of the law as if the matter had originated with the Universities themselves, or as if some middle course, suited to the views of both parties, had been struck out and agreed to by them. I am the more strongly led to this conclusion because, as I have already stated, this measure cannot by possibility compel the Universities to admit any one student, whether he be a Dissenter or a member of the Church of England, unless they think fit so to do; neither can it, under any circumstances, compel either University to grant a degree to any person whatever, whether he be a Sectary or a Churchman. Therefore it is perfectly certain, that after the Bill shall have passed into a law, the Dissenter may be as thoroughly excluded as he is at present, by some internal rule, or some understanding adopted by either or both of those learned bodies. Not that I think with the noble Earl* who spoke to-night for the first time, and who has signalized his accession to this House by the expression of some truly astonishing opinions with respect to the Catholic and other questions, considering the quarter they come from;—not that I quite go along with the noble Earl in supposing, that if this Bill should pass, and become the law of the land, it would be treated at Oxford and Cambridge as against conscience, and not be obeyed at all. I think better of those learned bodies. I think better of them than some

* Lord Carnarvon.

noble Lords who cheered this strange doctrine, and who seemed to join in the wish the noble Earl expressed to see academical resistance. I think better of the prudence of those bodies than to suppose, that what the King and the two Houses of Parliament have declared to be the law of the land, will be openly rejected by them, and a statute of the realm treated as waste paper. What I do apprehend is, not any open resistance, but a simulated obedience, an outward and unreal compliance with the provisions of the law. And as "men convinced against their will," are proverbially said to be of "the same opinion still," I think that many Dissenters, known to be such, would not be admitted at all into one of the Universities, and would not be allowed to take degrees at either. All that this Bill does is to prevent the Universities from requiring subscription to the Thirty-nine Articles; and this leads me to an opinion expressed by the illustrious Duke, the Chancellor for the University of Cambridge, in a private conversation with which he condescended to honour me, and in my recollection of which I entirely concur with his Royal Highness. I regret that instead of framing a measure of this kind, which I think will not prove perfectly efficacious, though I highly approve of its principle, subscribing as I do to the abrogation of all tests, yet entertaining much doubt of the efficacy of the measure to accomplish its avowed purpose—I regret that these learned bodies, knowing the state of the public mind upon the subject, have not adopted some internal regulation of their own, which would have prevented the necessity of any appeal to Parliament. I agree with the illustrious Duke, that if Oxford would put herself on the same footing as Cambridge, even as relates to matriculation alone, a great point would be gained to the Dissenters, and nothing sacrificed, but rather much gained by the University. But if, in ad-

dition to the extended power of matriculating, both the Universities would consent to grant degrees, and especially medical degrees, without requiring the condition of subscription to the Thirty-nine Articles; I think that the great bulk of the grievance would be practically removed. I draw a distinction between the case of medical men and lawyers; because, although I do not forget that a lawyer, with the degree of Master of Arts, may be called to the bar three years after his admission to an Inn of Court, instead of waiting five years, yet that is a mere private regulation of the four societies, which they can, without any difficulty at all, alter to-morrow; for they may at once provide that a residence of a certain number of years at the University, namely, the period required for a Master's degree, should stand in the stead of that degree, in so far as regards admission to the Bar, and dispense with two years' entrance on the books of the different inns of court; so that the only practical grievance as regards Master of Arts' degrees would cease.

There is another matter connected with the admission of Dissenters to the Universities, which I think is much more encumbered with doubt, but still I throw it out for consideration. I refer to the expediency and the justice of admitting persons not belonging to the Established Church, to all the privileges consequent upon their attendance at the Universities, beside the right to obtain degrees. And here I particularly allude, not to their acquiring any share in the government of the Universities—that is a matter which might be easily arranged—but to the right of having Fellowships and Scholarships. The difficulty upon that point is considerable; and I have no hesitation in saying, strong advocate of the Dissenters as I have ever been, that I see opinions expressed in some of their Petitions, which shew that those excellent persons, in putting for-

ward their claim, have not well weighed the reasons for which fellowships were, for the most part, endowed. The Dissenters have no more right, strictly speaking, to admission to fellowships and scholarships, endowed by the founders for the benefit of the Established Church, than any member of the Church of England would have a right to share in the endowments founded at Highbury or Homerton, Maynooth or Stonyhurst, or any other Dissenting College, Catholic or Protestant. The individuals out of whose private funds fellowships and scholarships were endowed, had a perfect right to prescribe what restrictions they thought proper as to the disposal of those funds, and no Dissenter has any more right to complain of being excluded from them, than he has to complain of exclusion from any private charity, supported by members of the Church of England. But so little are some of the Dissenters aware of this, that, to my utter astonishment, a noble friend of mine, only a short time since, presented petitions from several bodies of non-conformists, complaining not only of exclusion from the Universities, but also of exclusion from the national schools supported by voluntary subscriptions. Now, if any one choose to subscribe his money to a national school, I conceive he has a perfect right to prescribe the rules upon which that school shall be conducted, and to say, if he thinks fit (though I certainly should not say so), that no Dissenter shall be allowed to enter it. Thus far, then, I differ from the Dissenters; these are errors into which they have fallen; but their being wrong upon these trifling points is any thing rather than an argument for undervaluing their reasons upon the great body of the question—in which, in my clear and unhesitating opinion, they are upon every principle of justice, as well as sound policy, strictly correct. And I am thus led to say a few words upon subscription in general.

The noble Duke maintains, that the union between Church and State stands upon peculiar ground; that it is very much talked of, but very little understood; and that he suspects many of your Lordships (until he explained it) had formed very incorrect opinions with respect to it. Now, before I go further—before I give the noble Duke's explanation—I must observe, that the talk about the union of Church and State has got into the discussion of this question, with which, in point of fact, it has nothing whatever to do, in an extraordinary manner. It has been introduced, not by the Churchmen, but by the Dissenters themselves; and this is certainly the first time that I ever heard the cry raised among the Dissenters for any such thing as the separation of Church and State. Previously, with greater wisdom and discretion, they prayed the Legislature simply to remove those restrictions which they felt to be oppressive upon themselves; but in their present petitions, many of them pray for the establishment of what they call a Voluntary Church, in place of the existing Establishment; and to describe this, they employ a vague, indefinite, and fantastical form of expression, the meaning of which it is not difficult to comprehend, but the inaccuracy of which is manifest. I know very well what the Dissenters mean by it; but if I had not known it before, I should not have been much enlightened by the explanation which the noble Duke has given us. He asks your Lordships, with some self-complacency, Whether you are aware of the true meaning of the words "union in Church and State;" and he says that the union typifies the spiritual connexion between the Church and the State; and so he thinks he has opened the dark passage most satisfactorily. But, unhappily, this explanation, though it may do well enough for England and Ireland, will

not do at all for Great Britain; because, in Scotland, the King is not the head of the Church any more than the Pope; and every good Presbyterian holds it as an article of faith, that the King can have no authority whatever over the Kirk. Therefore, in Scotland, according to the noble Duke's explanation, the words "union between Church and State," have positively and absolutely no meaning at all—and yet, to shew the noble Duke that the expression is used just as much there as elsewhere, the petitions from Scotland upon the claims of the Dissenters, are couched in the very same language as those from England and Ireland, and our northern brethren call out as lustily as the Dissenters among ourselves for an end of that union between Church and State, to which so many ills are ascribed; so that the good people of Scotland cannot possibly have acted upon the noble Duke's view of the meaning of the words, because to them his explanation must be utterly unintelligible—or if they could be brought to comprehend it, they would absolutely deny the present existence of such an abomination as they regard the headship of the Church and State being united in one person. It is singular enough, that the origin of the phrase in question may be traced to a very high quarter for talent and learning—namely, Bishop Warburton—he, if I mistake not, was the author of the phrase. But Bishop Warburton was not for the alliance of the Church of England (of which he was at all times an eloquent and strenuous defender) with the State, because it was the Church he belonged to, and of which he approved—his doctrine was, that the State must ally itself with whatever is the Church of the majority. That Right Reverend logician counted noses; and, as in England he was for the union of an Episcopalian King with an Episcopalian Church—so in Scotland he

would have been for the union of a Presbyterian King with a Presbyterian Church, and in Ireland, for the union of a Catholic King with a Catholic hierarchy.

But, my Lords, whatever be the meaning of the phrase in its original, and how decided soever may be my reprobation of the alliance which it seems to import, and on which I entirely agree with Dr Paley—in the sense intended by these petitioners, I am as clearly a friend to that union; because I will do nothing to pull down the Establishment, or to countenance proceedings having that for their aim. Such being my feeling towards the Church, I am for warding off all danger that may assail it, and from all quarters; and therefore, in these times, when I know the weight which the Dissenters have acquired in the community, not only by their respectability, their talents, and the rich accomplishments that adorn so many of them, but by their great and increasing numbers, their ample and growing wealth, I am not desirous of augmenting or perpetuating their enmity against the Establishment, because I am clearly of opinion that nothing can more tend to undermine its security. My hostility to any thing that can injure the Church, and my partiality for every measure that is likely to consolidate her strength, and make her outworks more impregnable to assault, lead me, without hesitation, to adopt that policy which would get rid of all her admitted imperfections, remove all just grounds of complaint against her privileges, and reconcile the Dissenters to her rights, by making them compatible with their own; and I feel quite confident, that no one measure will tend more to work this wholesome reconcilement, than the complete removal of all secular disqualifications on account of religious opinions.

My Lords, reference has been made this evening to the subject of subscription, which was on a former oc-

casion discussed at large. The noble Duke* has pronounced, that nothing could be clearer than the explanation of the doctrine given by a Right Reverend Prelate on a former occasion. It meant, he says, that a boy, between the ages of twelve and sixteen, subscribed the articles of faith and religion, as they are denominated by the Oxford statute, without being supposed to express any opinion upon their truth; but only that he professed to be a member of the Church of England —that he described himself as belonging to a Church of England family—and that he promised, as soon as he was able, to study the articles, and, if he could, to understand and believe them. Now, I demur, at the outset, to this opinion of the noble Duke. I really think he has coupled with his definition an adjunct which the authors of the statute never thought of—namely, that the boy who subscribes professes to belong to a Church of England family. Surely the noble Duke will not pretend, that if a boy were a member of a non-conforming family, he would be rejected, and forbidden to subscribe the articles, when ready and willing to do so. No such thing; if he belonged to a dissenting family, or to a family of no religion at all,—nay, if he belonged to no family at all,—he would still be allowed to enter the Universities, on subscribing the Thirty-nine Articles. Well, then, it seems a boy does not exercise his judgment upon these articles, but only promises that he will endeavour to understand them, and upon understanding, will make up his mind whether to believe or not. First, only observe the clumsiness—the preposterous clumsiness of such a mode of accomplishing the object, if that really be the thing intended to be done. Would it not be better to make the boy subscribe to three plain, honest, and intelligible lines, in language which both he and every one

* Duke of Wellington.

else could comprehend—language, to which neither he nor any one could affix a wrong meaning?—"I declare that I shall, as soon as I am able, study the thirty-nine articles, and if I can understand them, and conscientiously give my assent to them, I will subscribe to them." This would be clear and fair—it would be an act and a declaration incapable of deceiving either the party or the by-stander. But instead of this, your course is to subscribe first, and study afterwards—first to swallow, and afterwards to digest—to begin by what must mean a profession of believing—to end by learning their sense, and judging of their worth. For what does this subscribing of the Thirty-nine Articles really mean? Does it—can it mean any thing else, at least to ninety-nine persons out of every hundred—than that the name is signed to those articles, because the subscribers have an opinion, or at least profess to have an opinion, in their favour?

But it is said, that after all there is no harm done, because there is another stage, namely, after the lad has obtained the age of sixteen, when he is required to do something more,—to make a declaration explicitly of his belief in those Articles; and this, it is contended, shews, that when he was under sixteen years of age, his subscription did not import any such belief. But, then, how am I to understand the absolute necessity of subscribing when the boy is above twelve, since the Statute says he shall be admitted to matriculation without subscribing, only when he is under twelve years of age? The Most Reverend Prelate passed swiftly over this part of the Statute,—saying it was a mere parenthesis of no moment. I deny it. Upon that single parenthesis I take my stand, and between its two horns, an it were a dilemma, I am minded to place the Most Reverend Prelate and his argument, with all imaginable respect and kindness towards him.

Because, what is it that happens before twelve years of age, and what is it that must take place immediately after twelve? This is the very criterion of the argument: it is the test by which I try and destroy the explanation of His Grace, and set up my own explanation in its place; for it demonstratively shews, that, after twelve years of age, the reason of a boy is understood to be exercised, and an opinion to be formed, which was not supposed before. The case stands thus: —After sixteen, those who present themselves for matriculation are to subscribe, to declare their belief in the Articles, to take the Oath of Supremacy, and also to take an oath to observe the statutes, privileges, and customs of the University. Between the age of twelve and sixteen, the boys who present themselves for matriculation are to subscribe only, without declaration or oaths; but under twelve they are not even to subscribe; —"Quod si duodecimum annum non excesserint, in matriculam duntaxat referentur." If it only stood thus, the case would be proved. But the Statute goes on to make that still more clear, which was clear enough; stating that, for any thing beyond matriculation, the students shall "wait till they come to be of such mature years" that they may be called upon to comply with the other requisites. In other words, subscriptions shall not be required before the maturity of understanding, which is supposed to come at twelve years of age, when they are deemed competent to subscribe, because competent to understand and form an opinion. Many men may quarrel with the age thus fixed. Many may entertain a doubt, whether twelve years is the period fit to be assigned for all individuals comprehending the hundreds of abstruse points involved in the Thirty-nine Articles. But no man can doubt the construction of this Statute; no man can deny that something is assumed by it to be implied by

subscription, beyond a mere promise to understand the Articles when the party comes to a mature age.

My Lords, I cannot help thinking that, in whatever way subscription may be understood, the practical question for us to consider is, not the nature of subscription, but the consequences which it entails upon those whom it excludes, and the odium, and indeed contempt, which it brings upon the ceremonies it is intended to sanctify. In a word, it is liable to all the objections that can be urged against tests, with this addition, a great aggravation, unquestionably, that it is a test applied to the young and ignorant, whom it must influence, if not bind, in after-life,—that it was taken at an age when its import was far beyond the grasp of their comprehension. As a test, then, and the worst kind of test, I entirely abominate it. I was perfectly astonished, however, to hear the noble Lord,* who spoke last, signalize his accession to this House by panegyrizing, after a most elaborate fashion, tests of all sorts, and pour out one laborious period after another, to extol them as a positive good and an excellence in themselves. According to him, they are the foundation of our faith—they are the security of our church—they are the safeguard of our religion —they are the specific blessing, without which we should cease to have any religion at all. And all this they are, according to so judicious a eulogist, because other countries which have no religious tests, are void of all the excellencies that adorn us. The noble Earl here alluded, in no very measured terms of abuse, to the German Universities. Now, I must say, that I do not like these general charges against millions of people, and all their most famous seats of learning—those seats, in which some of the greatest men that have adorned the letters of any age were reared—those

* Lord Carnarvon.

academic groves, the growth of which have been achievements in science that illustrated their country, nay, lifted up the species itself. I do not like to see those renowned nations thus handed over to the influence of one unsparing anathema, and charged with infidelity, and even atheism, simply because they know nothing of religious tests. Religious tests! Good God! Reflect for one moment, how, from its very nature, a religious test must be the personification of impotence itself! How can any test keep out of any situation he aspires to, any but the conscientious man? The test is pointed against the conscientious man in reality, though it professes to be contrived for his protection. Such a man will not take it; and it is only because he is an honest man that he will not. He is excluded; while the knave, who has no conscience at all, or whose conscience is scared as with a hot iron, will swallow all the tests that can be imposed, either by the statutes of the realm, or those imitative statutes which the Universities have framed. The meaning of a test is—not that you shall be excluded unless you believe, but that you shall be excluded unless you *say* you believe—not "unless you are one of us, you shall have none of our good things"—but, "*pretend* to be one of us, and you shall have what you want." It is not addressed to a man's conscience, his honest religious opinion—it is addressed to his sordid propensities—to his feelings of self-interest—it is an appeal to his pocket, not his heart—it is a security taken from the very vilest arts of his nature—his desire of vain distinctions, and his love of pelf. The moment your test meets with the man to exclude whom it was devised, it becomes utterly powerless—he swallows it up whole, in the twinkling of an eye—the gates, shut for his exclusion, fly open to receive him—and he exultingly wishes the test were twice as strong, as the

man upon his preferment wished there were Sixty-nine Articles instead of Thirty-nine, that he might subscribe them all at the same rate of gain. As for the German Universities, the theme of the noble Lord's abuse, I will venture to say, naming no names, that you could not invent a test so strong, that you could not devise a form so stringent, that some of those German Professors, of whom he just now spoke, would not vault over as easily as the most conscientious churchman he can produce would pass beneath it. But I do not choose to use these invidious topics touching the imperfections of foreigners; nor do I approve much of this habit of praising ourselves at the expense of others, which that noble Earl, like many others, has acquired. If he thinks it shews off his power of turning sentences to advantage, he may dwell on the superiority of our manufactures, of our commerce, of our ingenuity, and what not—but of our moral and religious character it hardly becomes us to speak in such laudatory terms. I have often had occasion to observe, that though many men may doubt whether we are the greatest people in the world, though it may be a question if we are the most learned, the most ingenious, and the wisest of nations, yet there is one thing of which no man can doubt —and it is a great and most felicitous advantage we possess—that we are undeniably and beyond all question, of all the people in the world, the easiest and the best pleased with ourselves; the nation which possesses the most entirely its own esteem—regards itself as the most immeasurably superior to all the rest of mankind. In this we stand without a rival; and you shall hardly ever hear a young speaker begin his career in either House of Parliament, without a score of periods to magnify our own perfections, and underrate the merits of all our neighbours. Surely it is very agreeable to revel in the praise we thus make, and make wholly for our

own consumption ; to devour, as it were, the luscious sweet at the very instant of its formation, till we are absolutely glutted and swollen with it Nothing, therefore, surprised me in this laudation of the noble Earl, except the ground he took to rest it on. I certainly had long heard of our infinite superiority to all the world, but I did not till now know that it was owing to the blessing of the tests which we enjoy. If it be true that the glory of the country depends upon them, I shall give them up with a pang ; but I must remind the noble Earl, that we need not go to the metaphysicians of Germany for instances of persons whom no test can ever scare from promotion in the Church, or from any other place to which their ambition may aspire. What think you of some of our own most distinguished countrymen, all of them members of the Universities, and all subscribers to the Thirty-nine Articles ? What think you of Dr Middleton of Trinity College, one of its most learned members, and not certainly one of the most powerful advocates for the Church, or, indeed, for the Christian religion itself? Him no test ever scared ; the very nature of his argument, the kind of artillery with which he attacked religion, shewed that he would swallow any test that statute could invent, or college propose to him. No man who reads the writings of David Hume can have the slightest idea, that, if any test whatever had been tendered to that celebrated metaphysician, but not very religious man, he would have scrupled for one second of time about taking it. How could you bind, by declaration or subscription, the writer who closes his celebrated argument against all miracles with the well-known passage,—" Our most holy religion rests not on reason, but on faith ; and he who believes in it is conscious of a perpetual miracle in his own person, which subverts all the principles of his understanding."

I need not remind your Lordships of Shaftesbury—of Bolingbroke—of Wilkes—for to them I have on other occasions adverted, as persons notoriously of infidel principles, and whom tests were so far from excluding, that they habitually subscribed the statutory declarations "on the true faith of a Christian." Indeed, it seems almost as puerile to argue against tests as it was in the noble Earl to extol their praises. But when I perceive that all who speak hold them as precious, with more or less of reserve, according to the skill of the several speakers, the unpractised and clumsy ones actually praising them, like the noble Earl, while even in the arguments of the superior artists there runs a a sort of under-current through the whole in favour of tests; nay, that all their reasonings and declaimings from beginning to end, resolve themselves into the necessity of tests and nothing else,—I cannot help, not only expressing my extreme wonder at their inconsistency in having ever permitted the repeal of the penal laws, and the Test and Corporation Acts, both as regards Catholic and Protestant Dissenters, but also I cannot help pausing to express my delight and thankfulness, still greater than my wonder, that this view of the subject did not strike them a few years earlier: for assuredly had the noble Duke been in 1829 of the mind he now is in, the Emancipation of the Catholics never would have been permitted. Only see the gross inconsistency you have committed; now you declare that there is all the danger in the world to be apprehended from allowing a few of our rich Dissenters to educate themselves at the Universities, and giving one in fifty of those few a Doctor's degree—the Church, you say, is not safe if that door be open, and the education of a few Dissenters be carried on there;—and yet, at another time, you, with perfect security, allow Dissenters and Roman Catholics to enter the two Houses of Parliament, where they are to make the

laws by which those very Universities and the Church herself, in all her departments, are to be governed, and you also permit them to mount every height of office which the State affords. I cannot see the consistency of the two doctrines. I cannot see the danger of allowing Dissenters to enter the seats of learning, while there is no risk in trusting the same hands with the power of making the laws, and of executing them. Nay, the Great Seal itself may be held by a Dissenter; there is no test, no subscription required of him who holds it: one noble and learned predecessor of mine was perfectly well known to be a Presbyterian, and no objection was taken to him, in days when men were by a good deal less liberal than they are now; so that no one dreamt of the Church being endangered by a Dissenter having the patronage of nine hundred livings and twenty stalls. But suffer him to send his son to college, and be made a doctor of physic, and the safety of the Church is no more.

My Lords, I think I stated, that I should have been much better pleased, if by a mutual understanding between the parties, the Universities on the one hand, and the Dissenters on the other—some regulations could have been devised by the former, under which the latter might have access to those seats of learning. But as that is, for the present, hopeless, I can only trust to a favourable reception of this measure. Should, however, the apprehensions entertained of the issue prove right, I can then only most earnestly and most respectfully address myself to the Heads of those learned bodies, entreating them to use all their influence between this time and the next session of Parliament, to effect what would even for the Dissenters themselves be a better, because more efficacious mode of settling this question, by means of an amicable arrangement.

Something was dropped by the noble Duke, respecting the Dissenters obtaining Degrees at Institutions of

their own, to which, he said, no one can object. Yes, my Lords, this is very easily said in argument to assist a purpose; but as soon as the Dissenters do endeavour to obtain the power of granting Degrees in those other institutions which have been alluded to, then the same learned bodies are found to meet them in front, and to object to any charter being granted that shall give them the power to confer Degrees. What is meant by this? Will they neither give Degrees themselves to the Dissenters, nor let them have the power of obtaining them elsewhere? If so, then those learned bodies mean to say, that because a man is a Dissenter, he shall not have a Degree any where. But I cannot, nor will I, believe that such is their doctrine; and I hope and trust I shall live to see, before long, either some equitable adjustment of the question, or at least an end of all opposition to a charter being granted to the London University. The noble Earl on the bench behind me, threw out some insinuations against that body, and hinted that it was accessible not only to Jews, Protestant Dissenters, and Roman Catholics, but he also used the word Atheist.

The Earl of Carnarvon.—I did not use the word Atheist.

The Lord Chancellor.—The word was used by some noble Lord, and I should, but for the denial, have most confidently said the noble Earl, and it was used in reference to the London University. But I may venture to say, that, in the London University, there is great abundance of piety, and of a very warm and genuine kind, not only in the Council, but among the Professors. The very names of some of them are, indeed, sufficient proof of their religious principles being unquestionably orthodox. There are some belonging to the Church, and among its staunchest supporters,—there are some most serious and religious Dissenters in the Council; but there prevail also among the students

very strong principles of religious belief. The noble Earl, therefore, can have no ground, notwithstanding the kind of sneer with which he spoke of the University of London, for the insinuation thrown out. It is quite clear that he is inconsistent in his objection to that body, though not more so than in most of his declamations; for he founded his argument with regard to Trinity College, Dublin, admitting Catholics, upon the ground that there was no residence required as in our Universities. "Where no residence is exacted," observed the noble Earl, "the pupils are left under the paternal roof, and are educated in the religion of their parents." But he will be pleased to recollect, when next he sets to making sentences on the London University, that this is precisely the case with the pupils of that great and flourishing establishment.

Upon the whole, I confess that I am not sorry, whatever may be the fate of this Bill, that the worthy individuals who promoted it in the other House of Parliament have prevailed upon that House to pass it, in order that we might, at least, discuss it here. A subject resting upon grounds so absolutely irrefragable, —grounds so plain as regards the nature and the amount of the grievance complained of, though perhaps not so plain as regards the best kind of remedy to be applied,—a subject like this has nothing to fear from discussion: the longer it is considered, and the more thoroughly it is canvassed, the greater progress will be made towards its final and satisfactory settlement. I hope and trust, whether the Bill passes this session or a year or two hence, that, at least, something will be gained by this debate; and that the time will soon come, when the merits of the case having been set forth in their true light, a measure so just in principle, and so sound in policy, will receive the sanction of the whole Legislature.

# SCOTCH PARLIAMENTARY

AND

# BURGH REFORM.

# INTRODUCTION.

ARCHIBALD FLETCHER—LORD ARCHIBALD HAMILTON—LORD ROSSLYN—JAMES BROUGHAM.

THE state of the Scottish Representation at all times was allowed to form an extreme case of corruption and abuse. Accordingly, the enemies of Reform never ventured to defend it, except upon the extreme ground of opposing all change, on the rigorous principle that the existing constitution of Parliament must not on any account or in any particular be touched. When Mr. Canning was defending the system at Liverpool, by resorting to the well known argument of virtual representation, and illustrated this by saying that misrepresented Manchester was secure in the possession of her rights by represented Liverpool, Mr. Brougham, in conversation, asked him how his argument would apply to Scotland, where no one feature of representation existed, the counties themselves

being for the most part on the footing of rotten boroughs in England. His answer was, that he must admit all this; and could only maintain the Scottish electoral system upon the ground of its being a part of the existing Parliamentary constitution, to all reforms of which he was hostile; because he assumed for the basis of his reasoning, that every Reform being a change in fundamentals, was objectionable simply as such. But the reply was obvious, that this begged the question, and begged it at the very moment when, by urging in England the doctrine of virtual representation, he was admitting the necessity of defending the merits of the existing system, with other reasons than the mere objection to all change, inasmuch as that argument of virtual representation was adduced for the purpose of shewing the sufficiency of the system to perform its intended functions, and give the whole country the benefits of real representation, however inadequately and unequally the franchise might be distributed in different places. It thus happened, naturally enough, that many persons who would not take to the doctrines of Reform when applied to England, were friendly to Scotch Reform; and it also happened as naturally, that the cause of Reform in general received a great accession of strength from the glaring abuses in the Scottish system, which seemed to shew, as it were in a magnifying reflecting glass, the wholly deformed features of corrupt representation, and from the undeniable consideration, that as the whole fabric must either be left untouched or repaired generally, the price to be paid for maintaining the lesser evils of the English system must

needs be the perpetuating of the still more crying abuses in the Scotch.

If the Scotch system of parliamentary polity was a mockery of every thing like representation at elections, the Constitution of the Boroughs presented as complete a burlesque upon every thing deserving the name of municipal government. It is true that in this respect there was far less difference between the systems under which the two parts of the plan were framed; for by successive encroachments upon popular rights, which the courts of law greatly favoured in all their decisions, adopting indeed the principle that whatever tended to restrict the number of borough electors should be encouraged as tending to prevent popular tumults, the constitution of the English boroughs had come at last to bear only a faint resemblance of popular election; and a self-elective principle had become the pervading rule of their political structure, and the radical vice in the administration of their affairs. But in Scotland this evil was considerably more universal, and its influence more searching. For four centuries every vestige of election in the choice of office-bearers had been unknown, having been swept away by an Act of Parliament. The consequences of this complete establishment of self-election was not only the exclusion of the community from all share in the management of their own affairs, but the mismanagement of all municipal concerns, the gross perversion of patronage, the dilapidation of property, the confusion of accounts, the increasing of debts, the obstruction of all local improvement, and generally, the universal prevalence of maladministration and abuse.

To both the state of its Parliamentary and its Municipal constitution, the attention of Scotland had at different times, during a long course of years, been directed by some very able, virtuous, and patriotic persons, whose labours were unremitting for the removal of the abuses thus pointed out and traced to their source, and who in the time of alarm that followed the earlier scenes of the French Revolution, were fated to see the fruit of their labours blighted long before it was ripe. Among these eminent patriots, the first place is due to Archibald Fletcher, a learned, experienced, and industrious lawyer, one of the most upright men that ever adorned the profession, and a man of such stern and resolute firmness in public principle, as is very rarely found united with the amiable character which endeared him to private society. Devoted from his earliest youth to the cause of civil liberty, his mind had become deeply imbued with a sense of the corruption which had crept into our constitution, and disfigured its original excellence. His zeal for the maintenance of these principles, and his anxiety for the renovation of British liberty, were, if possible, still further excited by the matrimonial union which he entered into with a lady of Whig family in Yorkshire, one of the most accomplished of her sex, who, with the utmost purity of life that can dignify and enhance female charms, combined the inflexible principles and deep political feeling of a Hutchison or a Roland; and he devoted to the great work of reforming the Scottish elective system, both as regarded its parliamentary and its municipal branches, every hour which could be spared from the claims of

his clients. The proceedings in the Convention of Royal Burghs, the bills introduced by the Crown lawyers for reforming the scheme of their accounting, the motions for Scotch reform made by Mr. Sheridan, were all intimately connected with his unremitting and most useful labours. Nor could any thing but the alarm raised by the deplorable turn of French affairs, have prevented some important measures, at least of Burgh Reform, from being adopted nearly fifty years ago. Although his life was protracted to the extreme period of the years of man, he was not permitted to see the triumph of the cause to which his best days had been devoted, and for which his latest prayers were offered. Nor, on the other hand, was he, while deprived of this solace to his declining age, doomed to witness the painful sight of his early coadjutors corrupted by the love of place and patronage, forgetting the principles which had alone recommended them to popular favour, and had enabled them to obtain that power, the mere retaining of which on any terms, has become the only object of their exertion, and the sole guide of their conduct; as if the fate of empire was bound up in their official existence.

The same fate happened to the other great patron of Scotch Reform, and by far its most powerful advocate in Parliament, Lord Archibald Hamilton. A more honest and independent minded man never lived to take part in public affairs. With all the right feelings of his high station, kept in moderation by his popular principles, and subdued by the good sense of modern society, he possessed the most determined

spirit of resistance to all oppression and all abuse, the most genuine hatred of every thing base and corrupt, the most enlarged and liberal views of national policy in all the departments of public affairs. Much of his time he gave to study, and he was, in fact, well informed upon political subjects beyond most men who mixed in Parliamentary discussions, and whose learning is, generally speaking, confined within a somewhat narrow range. He loved to cultivate the society of those whose lives had been yet more devoted to studious pursuits; and while he profited largely by this intercourse, he never failed to inspire them with an unfeigned respect for his good sense, his honest and sincere nature, and his sound opinions, truth being ever the object of his search. A warm friend of the country with which he was connected by ample family possessions, and the highest dignities, when he early in life quitted the Bar, he began and continued his Parliamentary course in a steady pursuit of whatever measures seemed best calculated to promote a reformation of the existing system, whose general defects he well perceived, but whose peculiar pressure upon the liberties and the prosperity of Scotland, he saw outweighed all its other evils. Accordingly, never was a more persevering or powerful advocacy lent to any question than his support of Scotch Parliamentary and Burgh Reform. Little seconded at first, by degrees his honest and able exertions obtained, even from the more unreflecting and selfish portion of the liberal party, that favour which usually attends the efforts of unwearied perseverance long continued. He gathered round him

a numerous and powerful band of supporters; he made the subject, naturally somewhat distasteful among English partisans, popular, and even interesting to the whole party; he never refused his support to any other question which incidentally occurred, and touched the interests or awakened the feelings of the Scotch people; and before his lamented decease, he had placed the whole subject of Scotch Reform, and generally of Scotch affairs, upon a footing both solid and striking, having succeeded in ranking it among the most prominent questions of liberal policy.

His successful exertions made the task of those easy, who, upon the accession of the Whigs to power, had to carry through the great measures of Scotch Reform. But it was a mournful reflection that the eminent leader of the cause did not live to rejoice in its final triumph. It is also greatly to be lamented that the occasion was not taken, upon the triumph being achieved, of recording, with due gratitude and respect, the lasting obligation which it owed to the services of its early and steady leader. No good measure of legislation, Lord Coke has well said, was ever proposed, however little effect the suggestion might make at the time, "that in the end some good did not come therefrom." But he might have added, had he lived to the times of the Romillys, the Horners, the Hamiltons, the Fletchers, that when the harvest of improvement is reaped by puny hands, and its profits treasured up in their own individual garners, there is far too general a disposition among men, even among those who benefit the most by it, to sink in oblivion the names of those whose nervous arms and generous

toils prepared the reluctant soil, subdued its ungrateful nature, and scattered over its rugged surface the precious seed which their genius had elaborated, and which, with little further pains from their feeble successors, has since made the desert smile with flowers, and the fields wave with fruit. A yet less satisfactory event than even this forgetfulness, has been witnessed in our time. Converts of the eleventh hour—enemies of all reform whatever, until their places depended on professing themselves its friends—advocates of all old abuses, until the moment when they could no longer hold by them and live—have alone become the professing supporters of improvement, alone reap its personal advantages, alone enjoy the fruits of their predecessors' and adversaries' disinterested and unrequited labours. And as might well be expected, the cause of Reform being thus placed in the alien hands of those who stand in a perfectly false position, it has for some time ceased to make any progress under such patronage;—its advancement has been found no longer necessary for retaining its pretended friends in place; and men have been seen, who, with the words of freedom on their lips, shew by each act of their lives that the securing to themselves and their adherents, of patronage, and especially of provincial patronage, is the thing next their hearts. Whoever has the distribution of that patronage is sure of their adhesion; and not even a retrograde movement of Reform would now either detach those sordid supporters, or shake the power of their patrons.

The following speech was made upon the introduction into the House of Lords of the Scottish Reform

Bill in 1833. It was deemed expedient that the whole extent of the measure should be left in the hands of Lord Brougham, then Chancellor; and no one else ever said a word on the subject either in the House or in the Committee. The opposition to it was left in like manner in the hands of two noble Lords connected with Scotland,—Lord Haddington and Lord Rosslyn,—and than this selection nothing could be more judicious. Lord Rosslyn, now unhappily no more, was one of the most able and upright men who ever added strength or respectability to any political party. Although a soldier from his earliest years, and a distinguished ornament of his profession in which he had always served with increasing honour, he had yet profoundly studied the laws of his country, and was thoroughly acquainted with every branch of political knowledge. His experience of affairs was large, and he had amply profited by it; being possessed of a store of practical wisdom, which a long life of various business, improved by uncommon natural quickness and sagacity, with a singularly calm judgment, can alone enable any one to amass, and which made him one of the safest advisers that any party or any person could resort to in a difficult emergency of their concerns. His manner of speaking, when he took part in debate, was that of a clear-headed man of business, who never touched a subject with which he was not intimately acquainted; and who, never having any obscurity or vagueness in his own conceptions, left his audience in no doubt whatever of his meaning. His taste was correct to fastidiousness, and having passed his youth in familiar acquaint-

ance with the great masters of the day, the Norths, the Burkes, the Foxes, the Windhams, he had learnt so well the danger of venturing beyond his sphere, that he rarely indulged in any but the expositive and argumentative parts of discourse. Some, however, of his speeches had a great and well-deserved success. Mr. Grattan and Sir John Newport, the highest authorities on such a subject, both declared that his luminous and masterly speech upon Irish affairs in 1816 had never been matched for a profound and convincing exposition of Irish affairs; and the friends of the Charity Abuse and Education bills in 1818, give an equally strong testimony to the merits of the speech by which he carried that measure through the House of Lords, against the strenuous opposition of Lord Chancellor Eldon and the Government of the day.

Lord Rosslyn had originally belonged, with his uncle, Lord Loughborough, to the party of Lord North, and though he had only, like him, left the Whigs when the French Revolution thinned their ranks, yet he long retained the aversion to Parliamentary Reform which distinguished the politicians of the North school. The progress of liberal opinions mitigated this hostility, and he became a Reformer, though on a moderate scale. When, with the full assent of Lord Grey and the other Whig leaders, he joined the Duke of Wellington upon the Catholic question being carried by him in so masterly and characteristic a manner, it unfortunately happened that he did not quit his new connexion at William IV.'s accession; and an adverse movement having thrown out the Government before any approximation with the Whigs could be effected,

he was compelled, by a high sense of honour, to continue in alliance with the moderate Tories. His old, intimate, and attached friends, Lords Grey and Brougham, urged him to accept the Ordnance, without a seat in the Cabinet, on the Government of November 1830 being formed; but a point of honour kept him to his recent connexions, although, like the Duke himself, he continued friendly to the new Government until the great extent of the Reform Bill staggered one who, though prepared for Reform, could not consent to so large and experimental a measure as that which even the sworn enemies of all Reform had found it expedient and deemed it their duty all at once to patronise. From that time, he became entirely severed from the Whigs, to his own great concern, and heavy discomfort, and to their still greater vexation and more serious loss. It may be added, that his unfortunate and insuperable objection to join Lord Grey's government in 1830, had been confirmed rather than removed, on his consulting with a friend in whose integrity, rare disinterestedness, and admirable judgment, he always reposed entire confidence,—the late Mr. James Brougham,*—through whom the proposition was made to him by the heads of the Government. Anxious as that most excellent and deeply lamented person was for the renewal of his friendly

* His intimacy with and confidence in this true and valued friend had been greatly increased by the accidental circumstance of his accompanying him when he returned from Scotland, after the fatal result of a duel, in which his Lordship had been unhappily, but most honourably for himself, concerned in the year 1822.

connexion with the liberal party, and much inclined to press the request of Lord Grey upon him; when he heard his reasons and feelings expressed by himself, he declared, on being asked what he really advised, that Lord Rosslyn had taken the right, because the high and strictly honourable course,—an opinion in which Lord Grey also and Lord Brougham reluctantly acquiesced.

In private life Lord Rosslyn was a model of every endearing quality. The most kind and affectionate member of a family,—the most generous benefactor on every occasion,—the most warm and zealous friend,—the person who of all others, perhaps, that ever lived, except the friend last mentioned, whom in this he most resembled, was the most remarkable for habitually, instinctively, and, by a sort of necessity of his nature, putting himself out of the question, and carrying his disinterestedness so far on every occasion, that he was himself the only person whose concerns never occupied his own thoughts. No wonder that the loss of such a man should have spread a gloom over the circle which he sustained and adorned. No wonder that his loss to the liberal party should have been the subject of deep and lasting regret.

When he conducted, with his wonted ability and knowledge of the subject, the opposition to the Scotch Reform Bill, he also opposed, or rather watched its progress with the most admirable candour and moderation. All his enlightened and liberal principles were seen to guide his conduct; the measure suffered nothing by his resistance of it; in every important

particular it was greatly improved by his suggestions; and it is but fair to add, that on some material points in which he was overruled, experience has proved him to have been right, and the advocates of the Bill to have been mistaken.

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# SPEECH

OF THE

# LORD CHANCELLOR

UPON THE

# SCOTCH BURGH REFORM BILL.

DELIVERED IN THE HOUSE OF LORDS,

TUESDAY, AUGUST 13, 1833.

# SPEECH

I RISE, my Lords, to move the second reading of this Bill, which has been passed by the Commons for the purpose of effecting a great, and, in my humble opinion, and in the opinion of the people of Scotland, a most salutary and necessary improvement in the constitution of the Burghs of Scotland. This subject has at various times occupied the attention of Parliament; but, except upon one occasion, namely, the discussion of the Scotch Reform Bill, last Session, no attempt has recently been made to bring under the notice of the Legislature the peculiar situation in which those Burghs stand. At the period to which I have alluded, I felt it to be my duty to enter somewhat largely into their constitution; but I did so only incidentally, and with a view to the measure then under consideration; and I, therefore, still think it necessary to go rather fully into the question, now that it has become the main subject of inquiry. I shall, therefore, crave the attention of your Lordships for some time, not on the ground of any very general interest or entertainment which the topic affords, but in proportion to its intrinsic importance, while I ex-

plain the constitution and effects of the Scotch Burgh system. It is the more necessary to enter into such an explanation, because the constitution of the Scotch Burghs is so extremely different from that of the English boroughs, that a person possessing the greatest knowledge of the one might be perfectly at a loss with respect to the other. I have no doubt, however, that in this, as well as in other particulars, the institutions of the two countries were once pretty nearly alike; and that the law and constitution of Scotch Burghs in remote times bore a near resemblance to those of the boroughs in this country at the same period. This, however, is a question, the investigation of which must be more interesting to legal antiquaries, than productive of any practical advantage. The same observation may be applied to another question, involved in like obscurity, and which I shall, therefore, dismiss from my present consideration, namely, what was the precise right of Burgh election previous to the great change which took place in the fifteenth century, and whence originated the principle which, from that time up to the present period, has continued to regulate the rights of the Burghs. I have myself very little doubt that in those times the effective corporators were the burgage tenants holding *in capite* of the Crown, and that the right of electing magistrates was vested in the great body of the more respectable inhabitants. However, in the year 1469, it appears that the Legislature of Scotland thought it expedient to effect a material change in the constitution of the Burghs, and to vest in a particular and select class that right which before had extended to the whole.

There were two modes by which the Legislature might have accomplished this object; one was, to point out a certain description of persons to whom alone it should be lawful to exercise the right. This

was, however, a difficult way of proceeding, as it was almost impossible to say to what class those persons should belong, and where the line should be drawn. There was another plan, which, if the community only submitted to its adoption, was much more easy of execution. Hitherto the burgesses at large, or other respectable inhabitants, elected from year to year a Council, which council elected their magistrates, including the provost and bailies. The council, the provost, and the bailies in Scotland, may be taken as respectively equivalent to the common council, the mayor, and aldermen in English boroughs. The legislature of Scotland therefore thought, that as the existing councils had been chosen by the citizens at large, *they* could not complain, if that body, which they had freely elected, should now be taken and vested with the right of electing every body else, *including themselves*, in future—the popular constituency being for ever after excluded: And, accordingly, an Act was passed for that purpose, the preamble of which stated, that "in consequence of the great contentions which had arisen out of the election of officers in burghs, through multitude and clamour of the commons, simple persons, they ought henceforth to be excluded from the election." The enacting part of the Statute is as short, clear, and simple as the preamble—(clearness, conciseness, and simplicity being qualities for which the old Scotch Acts are remarkable);—it is to the following effect: "For the reason aforesaid, it is thought expedient that *the old council should choose the new*, and the new and old council together should choose all the officers, and ilk craft (that means every different trade in each corporate burgh) should choose a person who should have a vote in the election of the officers." Thus the enactment was twofold: it abolished the right of the citizens at large to choose coun-

cils and officers, and it vested that right in the existing and succeeding councils. It appears from this Act, that the different incorporated trades, such as butchers, weavers, and goldsmiths, had the right reserved to them of choosing one representative, who went by the title of deacon; and these deacons, though not entitled to sit as councillors, were yet to concur with the council in choosing the magistrates. At first these deacons were no doubt chosen freely by their respective trades; but when certain of them were admitted into the council, the council claimed to choose the council-deacons: And in the course of time a kind of compromise took place between the trades and the council, the consequence of which was a sort of mixed election, the council and the trades uniting in the choice of the deacons.

This is the general condition of the Burghs of Scotland; several stand in a situation somewhat different; but there are about twenty-four Burghs which have exactly such a constitution;—and, to illustrate it, I will mention the case of Edinburgh, one of the number. In that city the council consists of thirty-three members, including the provost, four bailies, dean of guild, merchants-councillors, and trades-councillors, and some other offices. There is also another branch, which consists of six council-deacons, who are the representatives of the different crafts, or subordinate corporations within the corporation of the town. Seting aside these six deacons for the present, there remain twenty-seven members of council, who, ever since the year 1469, have been absolutely and exclusively chosen by themselves. But how stands the case with respect to those six deacons? It is true that their election has something more of the appearance of freedom; but is it, in reality, more free than that of the other members of the council? The whole of the

different trades in Edinburgh elect fourteen deacons; and if in this election the council, as before 1469, did not interfere, each would be chosen by a free election. But as six of these deacons are now of the council, if the Act of 1469 were applied to the matter, the trades would not have the power of electing one of them; because the first part of that Act gives the council the power of self-election. It appears to be a matter of doubt whether, at first, the council did not possess as absolute a right to elect the deacons, as the other members of council; but, in process of time, it happened that the council and trades shared in the election. The present custom is this; when the time of election for the deacons arrives, each trade sends up to the council a list (or, as it is termed, a leet) of six persons, which the council reduces (or shortens) to three; and that list of three is sent back to the trade, who then exercise their elective franchise, and choose one of the three; and after the whole fourteen are thus elected, the council, at its own pleasure, selects and nominates the six who are to be in the council; so that the present practice does not materially interfere with self-election—the spirit of the Act of 1469. This is the case with Edinburgh; but in some Burghs the practice is reversed, and the list of six is sent by the council to the trades, and returned, reduced to three, to the council, which then chooses one of the three. Thus in Edinburgh the semblance of election by the trades, applies only to six out of the thirty-three members of council; but it is the semblance only even as to those; and there, and in most other places, in name or in substance, the principle of self-election is paramount, and the councils choose themselves without any control or interference on the part of the body of the burgesses or inhabitants at large.

Now, a word with respect to the burgesses at large, as contradistinguished from the members of the different trades. By the practice of the Scotch burghs, a person habitually becomes a burgess, not in respect of birth, trade, apprenticeship, or marriage, as in England, but in a wholly different manner. The trades are of two descriptions,—first, the Trades or Crafts, which comprise ordinary operatives or artisans—and next, the Guild of Merchants. In Edinburgh there are fourteen Trades and one Guild of Merchants. Every person, being at the head of any particular trade or craft, is called the Deacon of that trade or craft; and he who is at the head of the merchants' house, is called the Dean of Guild. But into all the trades, any person may be practically admitted, whether he has served his apprenticeship to the trade in the burgh or not, and whether he make his claim on the ground of birth or marriage, or not. Your Lordships will, therefore, see that the law and practice in Scotch burghs are entirely different from the Corporation law and practice in England. A person, when he comes to reside in a Scotch burgh, has only to make proper application to be admitted into the trade or craft to which he belongs, and it is extremely doubtful whether there exists any right absolutely to refuse one so claiming admittance, provided he is obnoxious to no legal objection, and possesses sufficient skill to exercise the mystery of the trade or craft into whose corporation he claims admittance. In practice I understand the admission is never resisted; the question generally arises on persons exercising the trade without being admitted, and if objected to, they are always allowed to enter on payment of their fees. There is no difference made between those who were born of burgesses, or who had served in the burgh, and those who are mere strangers, excepting only this—that

they admit the one class of persons into the craft on the payment of lower fees than are demanded from the other; but they are both admitted into the enjoyment of the same rights and privileges. Beside these persons, others, not attached to any of the crafts, are admitted burgesses of the burgh at large, by way of honour, and for other reasons. The great bulk, however, of the burgesses in Scotch burghs is composed of persons belonging to some particular trade or craft; but there are in Edinburgh, out of the whole number of burgesses, amounting to 2500, as many as 500 or 600 unattached.

The mode of election which I have just described to your Lordships, has been practised from the fifteenth century down to the present day; but it is necessary to state that the Constitution which I mentioned as belonging to Edinburgh, and some other large towns, is in one material point,—that which relates to the election of deacons,—by no means common to all these burghs. The case of the capital which I have taken may be considered as one of the more perfect specimens of the class of rotten corporations which exist in Scotland. I do not mean perfect, in the absence of all rottenness or self-elective principle, but perfect as compared to others to which I am about to call your Lordships' attention. These other burghs amount in number to eleven, and they are far worse than the twenty-four burghs, including Edinburgh and Glasgow, to which I before alluded; for whereas the latter class have a dean of guild and deacons, chosen jointly by the council and a portion of the burgesses, the former have no Guild of Merchants; and, therefore, as there exists no body of merchants to choose the dean, that officer is chosen absolutely, and without any mixed election, by the council. But there is another gradation yet lower in the scale of corruption;

for there are not less than twenty-five burghs having no Guild of Merchants, and no incorporated trades either. In these burghs, the council rules unchecked by any thing bearing the most distant resemblance to popular control: For as there are no means of choosing either a dean or deacons, none, consequently, are chosen, and the council re-elects itself from year to year, without any even nominal interference on the part of other bodies. But, as it happens that in the arrangements of nature there is an infinite gradation in the scale of being, from man down to the polypus which grows upon the rock, scarcely less inanimate than the rock itself,—so in the inventions of art, nature has to a certain extent been imitated; an almost endless gradation is observable in the scale of political existence; and nothing can be discovered so imperfect that something still less perfect may not be pointed out. Accordingly, your Lordships will find that there are four burghs exhibiting even fewer symptoms of political animation than those I have just described; for they possess not only no dean of guild and no deacons, but not even any burgesses! yet they have a council and magistrates, who elect themselves, and exercise all the privileges and perform all the functions belonging to the most perfect council —if I may talk of perfection, where all is so imperfect; and where even the best, I mean the constitution of Edinburgh and Glasgow, has no match for badness among the worst in England. So that if your Lordships had started, as you reasonably might, with the idea that the corporations of Edinburgh and Glasgow were as low in the scale of political existence as it is possible for corporate bodies to be, you would have found, on investigation, that there are no less than three gradations lower still, and each one worse than the other, until at last we come to the worst of

all—the four unhappy burghs which have no appearance of election about them, there being none within them who can elect.

Looking to the constitution of these burghs, perhaps your Lordships might be disposed to think that their privileges would, on inquiry, be found to bear some proportion to the mode of election practised in them; and that those which are imperfectly created and formed, are also imperfectly endowed. Exactly the contrary, however, is the case; for it turns out that the extent of their endowments is in an inverse ratio to the purity of their origin and the excellence of their conformation; and in proportion as their descent is base, and their form corrupt, the functions with which they are invested are of a higher and more exuberant character, placing them on much more than a level with the comparatively free corporations of England:—I say comparatively, for everything is estimated by comparison; and though I hesitate not to say that the English borough constitutions require to be unsparingly visited by reform, yet, compared with the best of the Scotch, the worst of the English may be held up to the country as a paragon of freedom and purity. The Scotch burgh magistracies are possessed of the most important powers. First, they have a large common law jurisdiction in matters of police; and, in the next place, they have had conferred on them, by various local as well as general Acts of the Legislature, ample additional police functions. Then they have, by the common law, most extensive civil jurisdiction. The magistrates in these burghs may be said to be Judges in Ordinary within their own bounds, as the sheriff is within the county. They try questions of the greatest importance, and which may excite the most lively interest; their jurisdiction does not, indeed, exclude that of the sheriff,

the judge-ordinary of the county, but they have in the burgh a concurrent jurisdiction with him; and accordingly they oftentimes do try causes of the greatest pecuniary moment. I have seen cases come before your Lordships, by way of appeal, which had been originally determined by these magistrates,—cases involving interests of large amount, and nice questions of law,—questions of importance, not only to the parties immediately concerned, but to the law in general. In all but the larger cities, they have little professional assistance, the only person possessing legal knowledge whom they have to direct them in their judgments being the town-clerk. In Edinburgh and Glasgow, individuals of experience in the law are appointed to the situation of assessors; a clumsy and absurd contrivance, whether resorted to in England or in Scotland. Thus I know, that in Glasgow, a most learned and able lawyer, of long standing at the bar, and fitted to adorn the highest judicial station, happily for that place, fills the situation of town clerk, and virtually decides the causes of which the magistrates, who of course take precedence of him, are nominally the judges. But elsewhere, the persons chosen have generally little other title to the distinction than that of being the favourites of the corporation. Thus scantily provided, those magistrates exercise the important jurisdiction I have described, embracing, in all but a few cases, questions of any amount. They have, in like manner, all criminal jurisdiction, short of life and limb—and lastly, they have the management of the funds of the corporation—a power which I do not know if they value the most, but which I think in some respects of the highest importance, and in their exercise of which it is notorious—I know it will not be denied—that they have, generally speaking, done nothing which deserves commendation.

These funds arise in some burghs from extensive landed possessions; in others, from large personal property; and in most from imposts levied on the inhabitants. The revenue of Edinburgh, derived chiefly from this last source, amounts, I believe, to between £52,000 and £53,000. That of Glasgow is even higher, being, I suppose, not less than £60,000. The incomes of the smaller burghs are also far from inconsiderable; one possessing a revenue of £8000; another £7000; another £6000; and so on. Many of them have lands, or, at least, have at different times been possessed of lands, of large extent. Very ample landed property formerly belonged to Edinburgh. I am not informed as to the extent of the possessions attached to Glasgow. But I could mention one burgh, coming within the more imperfect class which I have before described, and truncated of Guild and Dean and Deacon, which was in the possession of 3000 acres of land, and two valuable fisheries; and I could also name another which owned between 2000 and 3000 acres of land. I have spoken in the past tense with respect to these burghs and their domains; for, alas! they have no longer possession of this property. One burgh, which had 3000 acres, probably worth £9000 or £10,000 a-year, now derives from those estates,—I will not say no revenue, because I believe that it does get an income from thence amounting to somewhere about £150 a-year, being the feu-duty of the same. If your Lordships look to the names of the tenants or proprietors of this property, (for they are in reality the proprietors, the land being theirs to hold at a perpetual fixed rent; and, since the Reform Bill, to all intents and purposes, political as well as patrimonial, their tenure is the same as fee-simple,) you will find that these feuars, eleven in number, have, for the most part, either themselves been Provosts in the burgh, or

are the immediate descendants of the worthy individuals who once filled that municipal situation! I do not mean to say that there is any thing decisive in this fact; it may, no doubt, be purely accidental; but it is a curious coincidence, that land worth £10,000 a-year should be feued out to eleven persons at £150; and that almost all of them should be either ex-provosts of the burgh, or their immediate descendants. I have no doubt that this matter could be easily explained; but up to this time all explanation is wanting. So in other burghs, when your Lordships examine the state of the public property, you will not fail to be struck with the coincidence between those who now hold the land once vested in the community, and those who formerly were officers of the corporation.

It is not only in respect of those lands, however, that this peculiarity is observable. In another shape, it meets you, in respect of the revenues derived from imposts. In the management of these and all their other funds, the same system of improvidence is to be remarked—improvidence merely it cannot be called—but the same spirit of favouritism, which, in some places is designated jobbing, and in others corruption. What I am now saying is so far from being considered slander against those corporators, (I do not mean the corporators of the present day, but those who, by a few years, preceded them,) that were any one to use any other expressions with respect to them, he would be regarded with a feeling approaching to pity, if not ridicule. It is only what they have been accustomed to hear for the last forty-five years,—ever since the consequences of this abominable system were first dragged into the light. In one place a gaol was to be built, and an estimate was given in by the deacon of the incorporated trades of Builders and Wrights,

amounting to £600 or £700. He was a member of the corporation, and his proposal was, as a matter of course, accepted; and it was very well for the corporate funds that he did not ask twice as much. The gaol, according to the first plan, was to be built three storeys high; but subsequently, the terms were altered; the three storeys were not required, and the gaol was reduced to one. Now, your Lordships will naturally suppose that, as the building was lowered two-thirds, the cost would be lowered in something like the same proportion. This, however, would be a grievous mistake. There was no reduction made of the £7000; though the amount of the money was certainly altered; but instead of being diminished two-thirds, it was raised nearly one-half! The gaol with three storeys, was to have been completed for £700, but in consequence of the alteration of the plan, cutting down the three storeys to one, the builder received £1000 for his work and materials! In another burgh, a respectable and honest tradesman proposed, for £850, to erect a building which was wanted; but as he was not a corporator, the doors of the council-chamber were shut against him, and his estimate was refused. Nevertheless, the place did not go without a building, or the corporation without a contractor. On the contrary, there was found in a deacon of their own body, an architect so much more sufficient than the original proposer, that the corporation gave him £1600 for the work!

These are only one or two instances selected from a large mass, which at different times have come before the public. They are only symptoms of what takes place: yet they are much to be regarded, because they are not accidental, but are the natural, and indeed necessary results of the system of self-election, and the want of all control by the people, over the management of the funds of the burghs. But the im-

providence of the managers of these public funds has not been confined to such trivial matters as I have just alluded to. The most wild and extravagant speculations have been devised and embarked in with the utmost recklessness. No examination ever took place before-hand, to ascertain whether any extended traffic required, or any extraordinary growth of resources justified, an increase to the buildings or public works of the town; but at once, if there was money in hand, it must be spent; contracts must be entered into, and some of the corporation have the preference; all the tangible funds must be expended, and when none remained, credit must be obtained. I will venture to say, that, in many instances, the parties did not know, when they entered upon such projects, how far they were to carry them. This is no doubt the case with individuals, as well as corporations: but the difference is, that individuals are not likely to be so inconsiderate, because they risk their individual existence. Such a course of proceeding has naturally led many of the burghs to the door of ruin; and I might, indeed, say within the threshold; for one of the greatest of them has had to apply to Parliament to put its affairs in a course of management; and another is reduced to such insolvency, that a trust-deed is in the act of being prepared; while a third is in a state of notorious bankruptcy. At various times these things have attracted the attention of Parliament; and it is not to be supposed that they have escaped the eye of the public. But without adverting to the feeling of the community at large, and without directing your attention to the interest which the subject excited in the other House, I will merely mention what has been done by the burghs themselves,—that is, by the magistracies, the very parties complained of.

There is a body called the Convention of Royal

Burghs, or the Convention of Delegates, whose powers are not exactly defined, but who possess great authority, being, indeed, the representatives of all those corporations; insomuch that every thing which they propose by way of recommendation, naturally meets with attention from the whole of those bodies. They assemble once a-year; their numbers are sixty-six, being one delegate from each; and generally from fifty to sixty attend. I hold in my hand a resolution, passed in 1792, at one of those meetings, when fifty-two delegates were present. It declares, "that it would be wholly impossible to succeed in establishing anything like an effective control over the accounts and expenditure of the burghs, without utterly destroying the system of self-election." This is a resolution adopted I believe, unanimously; and come to on account of the existence of the gross and intolerable abuses which had arisen from the close system. Mr. Dundas, then Lord Advocate, and afterwards Chief Baron of Scotland, had previously introduced a Bill for the purpose of making the corporations accountable for the expenditure of the public money; but it was found ineffectual for its purpose; and the result was the adoption of the resolution by the Convention of Delegates, which I have just read to your Lordships; declaring that no Bill could apply a remedy to the abuses complained of, while the system of self-election continued.

But now came the alarms excited in Scotland, as well as in this country, by the bad times of the French Revolution; when, in the pursuit of liberty, men gave way to violence, and by their excesses, made every thing like change, for a season terrible and hateful. The question of Parliamentary Reform was fated to share in this general odium; with it that of Burgh Reform was confounded; and both were together laid aside. It was feared that, if Burgh Reform were car-

ried, Parliamentary Reform would follow. But at no time was it contended, in Scotland, that if the excitement occasioned by the latter measure should subside, and the former rested on its own merits,—if the connection of the two questions were severed,—at no time, from 1792 downwards, was it ever contended, that the resolution of the Delegates in that year for abolishing self-election, ought not to be followed up, and carried into effect. Now, therefore, when the questions are for ever severed, by the carrying of Parliamentary Reform, it is quite a matter of course that Parliament should attempt to redeem the various implied pledges which, at different times, it has given; and remedy the numerous evils so long complained of in the constitution of the burghs, and so plainly avowed by the magistracies themselves. I shall, therefore, shortly proceed to state the outline of the measure at present before your Lordships, in the two Bills which have been sent up from the other House of Parliament, for the purpose of reforming those municipal bodies.

The principle of self-election being, at all events, to be got rid of, it becomes necessary to substitute another mode of election in its place; and as the Councils are no longer to elect themselves, the question arises, in whom the right of election shall be vested? Now, I should think nothing can be more natural, more safe, or more convenient, than the plan which has been here adopted, of vesting it in those who have already obtained the Parliamentary franchise—the £10 householders. In the first place, they are already in the exercise of the elective franchise; and, in the second place, they are a body recognised in the Registry under the Reform Act; and, consequently, we have, ready made, as it were, a machinery by which to conduct the election. That is, of itself, an invaluable

facility to the accomplishment of our present purpose; for we thus avail ourselves of every advantage that has resulted from the Parliamentary registration, and its advantages, as experience has abundantly proved, were not too sanguinely reckoned upon by the authors of the reform.

In the next place, I think it a material consideration not to have the qualification of the electors of the Councils of burghs, different from that of the electors of the representatives of those burghs in Parliament. Such a distinction would be full of inconvenience, and, perhaps, danger to the system of representation now established, under the great measure of last Session. Every one admitted the advantage of making that measure one on which Parliament could stand, and say that enough had been done, and that the Constitution must not be constantly changing. Every one admitted that, having taken the qualification at £10, until some change of circumstances shall give us new lights, or experience place us in a new situation, which may require, and by requiring, justify, a deviation from the principles of the reform, no deviation ought,—rashly or lightly, or without the gravest occasion, the most careful deliberation, and much hesitation, and great reluctance—to be permitted. Such I take to be the opinion of those who opposed the Reform Bill, as well as of those who supported it. If, then, you were, instead of a £10 qualification, to give a £5, or even a lower qualification to the electors of the corporate body, what would be the consequence? The same man who, year after year, was exercising the franchise in a burgh on that qualification, would naturally feel that the difference was unjustifiable on principle, unaccountable, and inconsistent, and would be impatient of an arrangement which confined the Parliamentary franchise to a higher qualification than that which

conferred the Municipal franchise. I therefore think that the stability of the measure of reform would be placed in great hazard, if we were to lessen the amount of the qualification for electors of the Councillors of burghs.

This is, my Lords, reason sufficient, in my mind, for adopting the £10 qualification in the election of those functionaries. No doubt, however, the registry affords the principal argument, in point of expediency, for adopting the same qualification. To that I attach the greatest importance, insomuch as to think it of itself sufficient, were there none other, to justify this part of the plan. For if any other qualification is fixed, there must be a separate registration, and the Parliamentary one can serve no purpose but to confound the other. Then, if the franchise is to be vested in the £10 householders, and if the principal reason for giving it to them be the convenience arising from the existing Parliamentary registry being framed according to that qualification, it follows, as a matter of course, that it should be another provision of the Bill, that the franchise so conferred shall be exercised according to the regulations established under the Reform Act,—that is to say, that the registry shall be decisive; that from the registry there shall be no appeal; and that the only questions at the poll for the election of the Council shall be the only questions at the poll for the election of representatives, namely, the identity of the party, and that he continues, at the time when he tenders his vote, to hold the property in respect of which his registration has been made. We shall thus procure the inestimable advantage of getting rid of all objections on the spot, and of preventing endless litigation, whether before the returning-officer or subsequently.

With respect to the period of elections, many may

be of opinion, that it would be more expedient they should not be yearly; and, I confess, that I myself felt inclined to favour a less frequent election. Nevertheless, on reconsideration, my objections were overcome; and chiefly by the universal and long-established practice of Scotland, which is that of yearly elections,—by the great discontent which would everywhere prevail, were there a less frequent choice,—by the unanimous agreement, on this point, of all parties, —they who differed on the franchise, on the qualification for it, and on the mode of its exercise, indeed, on almost every other part of the measure, with a rare unanimity agreeing on this, that the elections should not be less frequent than once a-year.' But, at the same time, it is not proposed that the whole Council should go out each year; because this would have a tendency to impair its efficiency, by breaking in upon its identity, and changing too much the persons in whose hands the administration of the burghs is vested. Accordingly, to preserve that identity, and prevent the inconvenience which would arise were it destroyed, it has been thought fit that only one-third of the Council should go out each year, and two-thirds remain.

When I have stated this—when I have stated that the principle of the Bill is to abolish self-election, and substitute election by £10 householders in its stead, —I have, in truth, stated the whole Bill; because it does not go more into detail than is necessary to the accomplishment of those objects. All the rest is consequential; growing out of those two fundamental principles, and there may be said, without exaggeration, to be nothing more in the Bill. Thus it is proposed to continue the mode in which the Council chooses the officers,—that is to say, as the Council heretofore self-chosen, elected the provost, bailies, and other office-bearers, so the Council, hereafter chosen by the house-

holders, will elect the provost, bailies, and other officers, and perform all the other functions, and exercise all the other duties of the former council. Your Lordships will therefore see, that if the principle be once admitted, that self-election is to be abolished, and a convenient and safe substitute provided for that mode, there will be found in the Bill, not only as little change as possible in the constitution of these corporations, but no change at all, which is not the necessary consequence of the principle so admitted.

A NOBLE LORD.—Hear! Hear!

The LORD CHANCELLOR.—I know not what my noble friend means by that cheer,—whether to assent or deny. If he means to deny, I ask him to point out one provision of the Bill which does not follow necessarily from the abolition of self-election.

The NOBLE LORD.—Hear! Hear!

The LORD CHANCELLOR.—I am glad that I have altered the dissenting cheer of the noble Lord to the tune of assent. I must say, that a smaller change than that which I have stated could not, by possibility, have been devised in the constitution of those burghs, provided you once admit the principle, that self-election is to be abolished, and also, what of necessity follows from thence, that it must be replaced by *some* election of a different kind. There is one point, however, which I must not forget to mention,—that all persons to be elected for the Council must be burgesses, or become so on their election.

I have now to state, that the measures to which I would call your attention are of two descriptions, and that the articles of them are contained in two Bills. The first of them applies to burghs, both Royal and Parliamentary, and which, therefore, have already a magistracy; the other applies to burghs parliamentary, without being royal, and for many of which, therefore,

a magistracy must now, for the first time, be appointed. The second Bill is the same as the first, in every respect except this, that it concerns burghs for which it is necessary to provide Magistrates and a Council. These are thirteen in number,—four large burghs, Paisley, Greenock, Renfrew, and Leith, and nine smaller; and the second Bill provides that the four larger burghs are to have a Council of sixteen each; five of the other class to have a Council of nine; and four to have a Council of six each. These Councils are to be elected by the £10 householders, and after being elected, are to choose the officers, and in all respects proceed as the Councils of the royal burghs. There is a third class of burghs, neither royal nor parliamentary, and which, in point of importance, are generally of an inferior description. Nevertheless, some are of sufficient consequence to require a municipal constitution. It was originally intended to introduce a Bill respecting them; but it was found that previous inquiry would be necessary, in order to ascertain their number, circumstances, and every particular of their state; and that till such an inquiry should be completed, it would be impossible to frame the measure. In the next Session of Parliament, when the inquiry of the Commissioners shall have been finished, it will be more easy to bring forward a plan applying the principles of the present Bills to those burghs.

I proceed to mention one or two objections which I am aware are made to this proceeding. It has been asked, in the first place, why we do not postpone these two Bills also until we see the result of that same inquiry? My answer is, first, that it is not necessary to do so; that there is an abundance of known and admitted facts to justify, and indeed to call for the interference of Parliament, in respect to those

burghs which are the object of the present Bills; and next, that the country of Scotland is in a state of extreme anxiety in regard to them, and would look on any delay, until inquiry had taken place, as the next thing to a mockery of its just expectations. Considering the long-standing abuses which had been complained of in the burghs—abuses, the existence, extent, and intolerable nature of which are amply admitted on all hands,—if you turn round on them and say that now, in the year 1833, it is necessary to institute inquiry, to examine into a matter of which no man doubts, to obtain evidence of what no man denies, in order to bolster up a system which all men abandon,—if you were to abstain this Session from applying a remedy to such evils as these, on such a pretext as this, the people of Scotland would think that they received from Parliament not what they had a right to expect, but little less than an insult. That, by means of the pending inquiry, information of great value will be received, and many necessary particulars ascertained; and that the legislature will thus be enabled to extend the present measure of reform, by applying it to different towns, or parts of towns, which are of necessity excluded from the Bills now presented,—is quite certain. For example, there are considerable parts of the cities of Edinburgh and Glasgow, which neither come within the description of the first or the second class of burghs to which the present Bills apply;—parts which are neither Royal burghs sending Members to Parliament, nor Parliamentary burghs by themselves; but which it is, nevertheless, expedient to include under the municipal jurisdiction of those cities to which they naturally belong; and which, yet without inquiry, may without negotiation, without the consent of the parties on both sides, it is impossible to include. Take

the case of the suburbs of Edinburgh, which are in the situation of Parliamentary burghs in so far as they vote for Members, but which, nevertheless, do not elect apart from Edinburgh, and are not Royal burghs. At present they are excluded from these Bills,—and why? Because, if you admit them for the municipal or corporate privileges, taking the Parliamentary boundary, you must impose on them the corporate liabilities; you must bring them within the power of the corporation, and subject them, it may be, to imposts, which they would not take upon them for the municipal franchise. Place this option before them, and they might say they would much rather be excluded from the corporate privileges, so they escaped the corporate powers of the city. Other districts may not feel the same repugnance; it is said the Glasgow suburbs do not; but still that is fit subject for inquiry. Out of that inquiry may arise treaty; and then the terms may be ascertained on which they should be admitted; when the Legislature will, as a matter of course, extend the municipal franchise to them.

Another objection, and the only other to which I shall now address myself, is the question of the propriety of excluding burgesses. It is said, why should not the franchise be confined to burgesses; or why should it not be confined to £10 householders, being burgesses; or even why not admit both of them—both burgesses and £10 householders—to its exercise? One argument for this latter proposition, I confess, comes to me with some force; it is that, in adopting it, we should be following the analogy of the Reform Bill, inasmuch as that Act, in so far as it applies to England, extends the franchise to freemen not honorary. My Lords, I will not disguise my opinion that the provision here alluded to was not the best part of that great measure;

it was, I think, one of its worst parts. It was my decided conviction at the time, which all the experience of the working of the Bill at the late election has abundantly confirmed, that the operation of that provision would be highly injurious. I am heartily sorry that it ever formed part of the Bill. I wish that it had never been thought of, or never adopted; and that would be to me a good reason for not making it a part of this Bill. But the best reason is, that no such privilege was granted to burgesses or freemen by the Reform Act *of Scotland*. After the best consideration, the elective franchise in burghs was there confined to the £10 householders; and therefore, to give an analogous right to such persons, in regard to their magistrates, would be, not to follow, but to oppose the precedent of the Reform Act. There are other reasons why I should object to burgesses. It must be recollected that the English freeman and the Scotch burgess, though agreeing in their general character, differ extremely in the mode of their admission. I have already dwelt on the mode of election of Scotch burgesses. It is well known that men are admitted to that class without any property at all,—without being £10 or £5, or even £1 householders,—without any connexion by birth or service:—merely for paying 16s. 8d.; or, as I have heard, in some places for as little as 5s. a man is qualified to be made a burgess. If, then, any man can be made a burgess almost for the asking, is that not a reason for refusing burgesses the franchise,—for contracting it within the more limited bounds of some reasonable qualification? On the principles of those who abhor all extension of suffrage, far more than on those who would enlarge it,—but, above all, on the principles of those who dread anything like universal suffrage, and the admitting persons incapable of well exercising the

franchise,—I say that we ought not to make the qualification consist in the mere payment of a few shillings. If it should be said, that by the strict law, a person has no absolute right to become a member of those corporations or trades by paying the fees, the answer is, that the practice seems to show that you have no power to exclude any man willing to pay those fees, possessing the usual skill, and liable to no legal objection. Is that not saying, that all men who comply with these conditions shall be admitted freemen?

It behoves your Lordships to look at what will be the practical effect of the £10 householders in the election of Councils, and this with reference to the respectability of the constituency which they will form. If the £10 householders be compared with the burgesses in places such as Edinburgh and Glasgow, where these latter are numerous and respectable, you will find that the great bulk of burgesses will come in as £10 householders. There are from 6000 to 7000 burgesses in Glasgow; and, according to the information which I have received, from 5000 to 6000 are £10 householders. But as there are some burgesses not £10 householders, so there are £10 householders not burgesses. Thus, according to my information, of 7000 £10 householders, only 5000 are burgesses; so that if burgesses alone are admitted, you would exclude 2000 £10 householders, and admit 2000 men who might have no property at all. It is, then, in vain to say that the burgesses are overlooked in this bill. I understand that there are, in Glasgow, calculations which give a different result, making the proportion smaller; but even these calculations show that three out of five burgesses are £10 householders, or that of 5000, 3000 are so. In Edinburgh, I believe, I may say that the whole of the

respectable burgesses are £10 householders, and that, consequently, the body at large must be amply represented. Then arises another consideration. I have stated, that as all £10 householders are not burgesses, so all burgesses are not £10 householders; and, accordingly, there is a considerable number who cannot lay claim to a situation of independence, in point of circumstances. That number varies, of course, in different places; but taking the calculations which I have given, it is, in those large towns, very great. Now, on the whole, is it desirable that we should have electors with so low a qualification? Is it expedient that some should live in a £3, some in a £2 house, and some in no house at all? Is it expedient that the franchise should be extended to them? This operates with much less force in Edinburgh and Glasgow than in less important places; but let it be borne in mind, that this is an argument which has a force in all places, in the exact proportion in which the opposite argument is brought to bear against it. To shew that the burgesses are not overlooked—that they are amply represented,—I point to places where the great majority of them are not excluded from the franchise under the operation of this Bill. But then it is said—"Do not go to Edinburgh and Glasgow; look to other places where there are many burgesses who are not £10 householders, and who are, consequently, excluded from the franchise." But, my Lords, these persons so excluded are, as I have before said, persons presumptively unfit for its exercise; for it must be remembered, that the principle on which we proceed is,—that of admitting no man to the exercise of the franchise without paying regard to his circumstances, taking circumstances as a test—the only one we now have—of capacity to exercise the franchise well. Were they admitted to it, they would,

in many cases, completely overwhelm the more respectable class of £10 householders. I will mention an instance in which this would be the case. There is a burgh where, of 800 burgesses, only 150 are £10 householders, so that we have here a matter of some 650 burgesses overwhelming the comparatively small number of £10 householders, the great bulk of them being persons of little or no property.

Is it expedient so to frame the Bill as to give the franchise to a body of men, of whose circumstances all we know is, that some live in very small houses, and some in no houses at all? If there be any one who thinks that persons of this class ought to choose the magistrates, and through them to administer both the corporate funds and the civil and criminal justice of the town, to his mind my observation applies with no force; to all others—to all who wish to have some line drawn, by which the station of voters may be evidenced by their circumstances in life, my argument must appear unanswerable.

There may be several points of objection to these Bills, which I have not taken notice of; and I have purposely abstained from going into their details. My object has been rather to go over those parts of the subject on which it was necessary to dwell, in opening its principles to the House. I wished first to bring before you the existence and the nature of the abuses, which, having been long reprobated by general consent, it is intended now to put down for ever; and then to give an outline of the manner in which this measure is framed, in order to effect that object. I have thought it better not to dwell longer on arguments that may be advanced either in its behalf, or in opposition to it, than was necessary to bring the question fully before you. I have done so as distinctly as I could—I wish I could have done it more succinctly:

—and I have now to entreat that your Lordships would bear in mind the feeling which pervades and possesses the people of Scotland in regard to the question. They are, I verily think, more eager for it than they have been for any other measure—I will hardly except Parliamentary Reform itself,—which has ever been the subject of discussion in the Parliament of the United Kingdom. I own that I shall experience the greatest mortification should your Lordships refuse to countenance these Bills. I cannot disguise from you, that I should feel unmingled and bitter disappointment—that is, indeed of little moment,—but so would the people of Scotland, if your Lordships were to frustrate an expectation, which having been long since very naturally raised, and of late most anxiously cherished, they now trust will be, because they know it ought to be, at length happily fulfilled.

# SPEECH

IN

DEFENCE OF THE ABSENT COMMISSIONERS,

ON THE

# ENGLISH MUNICIPAL CORPORATION REFORM BILL.

DELIVERED IN THE HOUSE OF LORDS,

AUGUST 12, 1835.

# SPEECH.

I DO not mean on this occasion to enter at length into the general subject now before your Lordships. I have already had an opportunity of expressing my opinion upon the principles of the measure, as well as upon several of the main features of the Bill, and the motion for going into Committee appears not likely to meet with any very formidable opposition on the part of the House. I should not, therefore, feel myself at liberty to trespass upon your Lordships' patience, however much it might gratify the noble Earl,* who says he is delighted to hear me speak, and who nevertheless imagined that I had spoken about an hour longer than I really did—which looked as if he had been less pleased than he was willing to own; but I won't quarrel with him for that; I will only express my feelings in my turn, and assure the noble Earl, that although he has this night by the clock talked an hour and a half, or somewhere thereabouts, to me it seems as if he had not spoken for five minutes. But, my Lords, the matter to which I wish to call your attention is neither the principle of the Bill, nor its details, nor its general features, on all of which, as I said, I have before addressed you at large; but I

* Earl of Falmouth.

must express some little surprise, and I hope I may be allowed to say, without any great impropriety of expression, some apprehension which weighs upon my mind, and which I in vain endeavour to stifle, in consequence of the course which is about to be taken by one or two noble Lords, and by one illustrious Prince upon this occasion; for although I am delighted to find that I shall have an opportunity of giving my vote with them to-night, though I feel that theirs must be a valuable acquisition of strength to the promoters of this measure, and though the result of it will be sending the Bill into Committee, yet I cannot help just pausing for a moment to consider the grounds upon which that accession of force is given to us, and the ample declaration of hostility to the measure with which the promised aid is accompanied. The support of the noble Duke* at this or at any stage of the Bill, I should deem admirably calculated to meet the wishes of the advocates of the Bill, if I could only see any reason to expect that it would extend beyond this stage of the process; that it would attend us through the Committee, and would remain with us to the third reading; but, instead of that, we are told that these our supporters are against the whole principle of the measure; and therefore one naturally asks, for what do they go into Committee? Is it to examine and discuss the details?

SEVERAL NOBLE LORDS.—Hear, hear!

LORD BROUGHAM.—I *have* heard; but hearing, I do not understand. I can easily comprehend how any noble Lord who agrees with me upon the principle of the Bill, should differ with me upon its details, holding either that some of them go too far, or that there are others which do not come up to the principle in

* Duke of Wellington.

which he concurs. This is intelligible, and consistent with the ordinary course of proceeding in parliamentary discussions; but the noble Earl* says that he totally dissents from the principle; he abhors it in all its views; he considers the Commission to have been illegal, and the whole inquiry void; he thinks that in the execution of their task the Commissioners were unjust, partial, and oppressive, and that their Reports are of no more value than so much waste paper—an opinion in which the noble Duke concurs. Then, say they, the Bill is founded upon these Reports. This my noble friend† denies, as a general proposition; but, as it must be admitted that in some part such is the case, in the opinion of those noble Lords opposite the whole Bill must be equal in value to waste paper, and the groundwork of the fabric, in whole or in part, being unsound, the measure itself must be rotten. Then we are told that no one of the charges brought forward against the Corporations has been borne out in proof; that all the Report and the preamble said about neglect and abuse is groundless. This is a measure of spoliation, says one noble Lord; it is utterly iniquitous, says another; it is fraught with injustice in every part, exclaims a third; and all of them, after thus quavering their separate notes against the Bill, join in the chorus of injustice, iniquity, falsehood, and rottenness, both in the measure, and in the whole proceedings connected with it; and then instantly they come as it were *per saltum* to the determination of not throwing out so execrable a measure at once, but of voting for going into Committee, that the details of what they so heartily disapprove may be minutely discussed. But, my Lords, it may be said I ought to be thankful for this mercy, small though it be, and

* Earl of Mansfield.

† Lord Melbourne.

not to quarrel with those who thus far are friendly to the progress of the measure. Then I will not conceal from you, that I cannot help regarding the conduct of the noble Duke* and the noble Earl† at the table, in point of consistency, by much the more praiseworthy. Theirs is, at all events, a perfectly plain and intelligible course. They disapprove the whole measure, like the noble Duke‡ and the noble Earl;§ and therefore they vote against the second reading. But I may be told I ought not to be so nice, and that I should accept the hostile Committee as a boon, in preference to the worse calamity—the throwing out of the Bill at once; and this makes me for one moment pause to compare the two evils. The one is the infliction of instant death, the other of slow lingering death, by continued pain and gradual exhaustion, by wearing down this great measure till it shall be reduced to the shadow of what it once was—till hardly a skeleton of its pristine form shall be left—till its own parents shall hardly know it, altered and mutilated in every part by the formidable force here, and here alone, arrayed against it. That is the alternative offered us, for rejecting which I am called nice—for not bursting forth in strains of rapture, and not gratefully acknowledging it as a boon! Than the illustrious Duke,‖ I must say I never knew, generally speaking, a more fair, open, above-board antagonist; and knowing therefore his strong opinions on this and all similar questions, I certainly expected to have found him supporting the proposition of the noble Duke¶ and the noble Earl** at the table. "But no," he says, "I dislike the principle as much as you; I think nothing can justify it; I hold you ought not to proceed in this course; this is

* Duke of Newcastle. † Earl of Falmouth. ‡ Duke of Wellington.
§ Earl of Mansfield. ‖ Duke of Cumberland. ¶ Duke of Newcastle.
* Earl of Falmouth.

not the way to go; here is a Bill for reforming 185 Corporations by one general sweeping measure, instead of which we should take them piecemeal, and proceed by 185 different bills, regularly, separately, slowly—so slowly that perhaps 185 sessions of parliament shall be required to get through them:"—a consistent and intelligible course enough, no doubt; but then how can you go into Committee upon such a sweeping Bill, if that is your opinion?

The DUKE OF CUMBERLAND.—My Lords, I wish to say a few words in explanation. I merely said, if we came to a division, I should not vote with the Noble Duke* and the noble Earl;† but I never said, and for the reason I then gave, that I would vote for the Committee. I should not vote for the Committee, if your Lordships came to a division on that question. I should retire altogether; but at the same time, when the Committee does meet, every part of the Bill which I can honestly and conscientiously support shall receive my best and most attentive consideration. This, my Lords, is what I shall do, and it is the course which I have always pursued in your Lordships' House.

LORD BROUGHAM.—I understood the illustrious Duke‡ to say, that he would not give his vote to the Noble Duke,§ but vote for the Committee.

The DUKE OF CUMBERLAND.—I shall vote neither the one way nor the other.

LORD BROUGHAM.—God forbid that anything I have said should prevent the illustrious Prince from voting against the noble Duke.‖ Certainly I was not prepared for such a course—so very unlike the usual determined line of the illustrious Duke. I certainly ex-

* Duke of Newcastle. † Earl of Falmouth. ‡ Duke of Cumberland.
§ Duke of Newcastle. ‖ Duke of Newcastle.

pected that he would at once have voted one way or the other. Really, it is a most extraordinary conclusion to arrive at from such premises—"I disapprove of this Bill, and *therefore* I will vote for the Committee"—and then, when I was staggered, bewildered by such a proposition, I receive, by way of comfort and as a help towards getting me out of the difficulty, an assurance—"Oh, I don't mean to vote *for* the Committee—I only mean to say that I will not vote against it, because I disapprove of the whole matter." My Lords, I cannot help thinking that all this holds out a most melancholy prospect to the friends of the Bill, and to the country,—a cruel disappointment to those who feel so anxiously, so deeply, and, I will say, so universally, all over the kingdom, in favour of this great measure. For what have we to expect from this announcement, but that those who are against the whole measure in its principle and groundwork, will exert themselves to alter its whole frame and all its vital parts in the detail? How much of those parts and of that framework can we reasonably expect the labours of such a Committee will leave standing, when those same persons, who say "let us go thither in order to discuss it," tell you that they abhor the whole of it as a scheme of iniquity and spoliation? Can we expect one stone of its goodly fabric to remain standing on another, under the hands of those who hate it, and, like the noble Duke, would batter it down, or, like the illustrious Duke,* would retire from it, lest its falling ruins should overwhelm them—of those who, detesting, abhorring, distrusting its authors—still more distrusting the Commissioners whom its authors appointed—hating the whole and every part of it, seeing no one fragment of it that ought to remain, are never-

* Duke of Cumberland.

theless prepared to go into Committee, in order to deal with it? How, in God's name! to deal with it, but to blast it to pieces, and leave not even the semblance of what it now is? I may be disappointed—I have been most agreeably disappointed on one point—the hearing of evidence. I firmly believed, as did a large portion of your Lordships, that when counsel were called in to be heard at the bar, and still more when it was resolved to have evidence, the necessary effect would have been to protract the inquiry beyond all bounds; instead of that, however, I think the evidence only lasted somewhere about five days. That I am bound in justice to admit, contrary to my expectations, and contrary to the record of my apprehensions which I placed at the time on your Lordships' journals; and I am also bound to admit, which I do in fairness to those with whom I communicated in the early part of the evidence, that no change could have been effected by anything said, either here or elsewhere, respecting our proceedings; for, before a word was said on the subject, the day and almost the hour when evidence was to be closed were calculated as early as Tuesday morning, by my noble and learned friend.* [*Hear, hear*, from Lord Lyndhurst.] In that respect, therefore, I was agreeably disappointed—but I am much mistaken, indeed, if the Bill, on leaving the Committee, be not so damaged, so mutilated, with so much that is important and beneficial struck out—so much that is noxious and alien to its principles introduced, and on so ample a scale of alteration—that its authors and those abettors who have sent it up to this House will be unable to recognise their own handywork. My Lords, I *could* not, in justice to my own feelings, which are naturally very

* Lord Lyndhurst.

strong upon this subject, after what has just taken place, have refrained from making these few observations. And now, exhausted as I am with the fatigues of last night, and our long sittings of late (for though we generally have five months with nothing to do, so that the idlest of human beings could not have been burdened with our labour, yet the last five weeks of the session we have had so much on our hands, that the best workman, the most laborious of mankind, might well sink under the burden—some *change* must really be made in this system, or it is a mere joke to suppose that we can fully discuss the important measures which, at the end of the session, are all in a heap, for the first time, submitted to us; but the difficulty is not so much to perceive the mischief as to find out the remedy—perhaps if some mitigation of the strict forms of the other House permitted certain bills to be originated in this place, our labour might be more equally and satisfactorily distributed over the period of our sitting)—exhausted, I say, as I am with the fatigues incident to this period of our protracted sittings, I am anxious only for a moment to make one or two general observations upon the subject matter under your Lordships' consideration. I don't mean to argue the case on its principle, being perfectly satisfied to leave it on the grounds on which I formerly rested it. I wish, however, for a moment to take notice of the opinion expressed by a noble Earl,* with respect to the legality of the Commission. He totally mistakes in fancying that the Commission is illegal, because a power was inserted in it which the law would not bear out the Commissioners in executing, if it had been resisted. "You admit," he said, "that your Commission, if resisted, had no power of compelling

* Earl of Mansfield.

parties to come forward and give evidence." And this he seems to think decisive against the Commission. Now, your Lordships will permit me to say, that if on this ground we fall under the reprobation of the noble Earl, we bear that weight, which I admit to be heavy, only rateably, share and share alike, with about twenty or thirty other governments, in all the reigns of this country since the revolution of 1688. Since 1820 there have been fifty such Commissions. But to go back only five years, what, on that principle, becomes of the Irish Church Commission of 1830? If a Commissioner in that case had called on the holder of any benefice, and demanded, "How much do you allow your curate? Do you give him what the act requires? Do you violate the Stipendiary Curate's Act, or do you not?"—Had he the power of compelling the party to answer any such questions? Nobody ever dreamt of such a thing. If the parson said, "I will not come to you—you have no right to send for me—I do not recognise your authority"—what would have been the result? The Commissioners had no power to enforce their authority; and if the parson came, and hearing the question, turned his back, snapped his fingers in their face, and walked away—the Commissioners were remedyless and helpless. What then is the difference between that Commission and the present? In fact, those Commissions *were* resisted in nine or ten cases. Lord Guildford and some half-dozen more refused to answer under the English Commission; the Irish parsons, to the same amount, refused to answer under the Irish—and an appeal was published by one clergyman, calling on his reverend brethren to resist the authority of the Commissioners. A controversy continually existed in both cases; the Commissions were in both resisted. But, although those who refused to give evidence were blameless, and the power of the

Crown was with absolute impunity set at nought, the legality of the Commissions was never for a moment questioned. Then Mr. Pitt's celebrated Commission of Naval Revision, was also without authority.

A LORD.—There was an Act.

LORD BROUGHAM.—I speak not of Lord St. Vincent's inquiry, a much more drastic measure, and one under parliamentary authority. Mr. Pitt's being less vigorous, and therefore less opposed by those who fattened upon abuse, had no such sanction. It was couched in exactly the same words with the present commission. As to the introduction of the word "deed," the argument drawn from it is one of the greatest hallucinations I ever heard of; because without it the words "all papers, writings, and documents," surely included "deed," which is a "paper," "writing," or "document." But I formerly demonstrated the legality of the Commission; and now the question rather is as to the conduct of the inquiry. Upon that subject I wish to make a few observations. They shall be of a general and compendious kind, chiefly that I may avoid going into the details of the evidence; and they shall be as short as the justice due to the accused parties, the Commissioners, will allow me to make them.

I will just suppose the case of a defendant, who, having lost his action with his neighbour, comes to your Lordships and says, "Never was there such a judge—heaven save me from twelve such jurors! let me only come before you, and I will explain it all away—the prosecutor had no case—my attorney was bribed by the other party—my witnesses were corrupted or swayed by personal motives of spleen and spite—and my counsel did not do his duty; the judge was partial, the jury was ignorant, the whole trial was an iniquity, a farce, a mockery of justice." Such re-

presentations are heard every day in Westminster Hall; the whole air of all the courts is filled with them, and they pass perfectly innocuous over our heads, who are used to them, or if they descend lower, if they penetrate at all, it is to go in at one ear and out at the other, making no impression at all on any man of ordinary understanding. But suppose they were to make an impression on your Lordships, and you were to say—"Oh, this is a poor injured man—an excellent Conservative; he has been extremely ill-used; let him be brought to the bar, it will be a comfort to so worthy an alderman, a man of such sound principles, to be allowed to tell his own story, and produce witnesses, and have counsel to bawl against the judge and jury for about twelve hours and a half, applying to them every term of abuse which our language can furnish, together with a good number of terms which neither our own language nor any other does afford, and all the metaphors which can be provided by the kind of motley imagination that gives existence to patchwork." Suppose this proposal is acceded to, for hearing his own story after the witnesses had sworn against him; and the judge and jury decided against him; and you, accordingly, proceed to hear his story, told by himself, and supported by the witnesses whom he had called at the trial, and whom the judge and jury had disbelieved. You hear all the evidence on one side, and on one side only, not even taking the precaution which I heard to-night that a Lord Lieutenant of Ireland is bound to take before exercising the mercy of the Crown, that of sending to the Judge who tried the cause, and hearing what he has to say, and what the reasons were which produced the conviction—without any such precaution—without making any communication at all to the Judge—and with nothing received

from him by way of explanation—for I regard a short and general letter written by two Commissioners out of twenty as nothing—

Lord Lyndhurst.—We have not the evidence taken before the Commissioners; we applied for it, but it was not produced. It is no fault of ours.

Lord Brougham.—We have allowed the Commissioners to be attacked, but not to vindicate themselves. Unwarned, unsummoned, unheard, undefended, not even furnished with a statement of the charge against them, they are to be pronounced guilty of unfairness, partiality, faction, and almost of corruption, and we are to set at nought the verdict and judgment pronounced by those who heard the evidence. So much, my Lords, to warn you against being led away by that most dangerous of all modes of inquiry, an *ex parte* statement directed against individuals in their absence; an appeal against a decision by one of the parties in the absence of the other, and of the judge who gave it. I say these Commissioners did not proceed *ex parte;* there is not a tittle of evidence to charge them with it. They come to a town, they advertise their sittings; their sittings are public; they never hold one meeting in a private room; all mankind has access to their tribunal, and they never refuse to hear one witness, or one score of witnesses, brought forward by the Corporations, though they are now accused by speeches made against them, sometimes by honest, fair, legitimate speeches at the bar, and at other times by speeches in the form of questions, of which I cannot express too strongly my reprobation, let it offend whom it may. These Commissioners, thus attacked in every way, and always in their absence, come to your Lordships and complain of what is done; they tender explanations; they offer you evidence; they call upon you to hear them; they only say strike,

but hear first—decide, but not before our defence is made; and your Lordships, pursuing a conduct far different from that which they pursued, who threw their doors open to all parties, and courted all sides to come forward, will not even hear those Commissioners whom yet you are prepared to condemn. I am not making this a subject of complaint against your Lordships. I was the first to say, do not hear them; but I pray you attend to the argument; do not behave in this childish, and, I was going to say, womanish manner of running away with a word, and not hearing the reason, or stopping to understand the thing. The argument is strict and correct. I am ready now for argument's sake to tender myself as the only person who advised that the Commissioners should not be heard. Your Lordships, I have no doubt, would have given me a very ready support if I had said 'hear them;' and if their case had occupied six weeks, and the reply consumed six weeks more, I should have expected from the enemies of the Bill a still more ready concurrence. I must needs give noble Lords opposite some credit for sincerity and consistency; and if this measure be so objectionable as they describe it, they would think themselves justified in using any means, even of delay, in order to stay the evil, or finally arrest it, by waiting till the country came to its senses, and awoke from the delusion which they now ascribe to it, as resulting from the excitement used to lead men's minds astray. But I want this Bill to pass; I was determined not to play into the hands of its enemies; and therefore I was reduced to this most painful of all alternatives, either to sacrifice the measure or work grievous injustice upon these honourable men. That is my argument. I hope you understand it *now*. Granting that the refusal to hear the Commissioners was the act of the whole House, and not of a party, and that I myself, placed under the

pressure of a hard, harsh, cruel necessity, was forced to take my choice between either losing the Bill and doing justice to these men, or carrying the Bill and doing them the greatest injustice; still the choice is made, and the injustice perpetrated; and the Commissioners are accused, and they are unheard. Then I defy any man living to dispute either the truth of the statement, or to resist the justice of the conclusion. Whatever the necessity may have been that extorted this harsh measure of injustice to those Commissioners, you have done it;—you have not heard them; you have heard their enemies behind their backs;—and therefore I say you are bound as honourable men—you are bound as honest men—you are bound as Christian men—as men of ordinary charity and justice you are bound to give the fairest, the most candid, and most liberal construction to the whole conduct of those whom you have felt yourselves forced to place in such unhappy, aye, such unheard of circumstances.

Let me now only remind you of the manner in which some of those charges were brought against the Commissioners. There was one constant course pursued, which must have misled many of your Lordships. It was this. The counsel took up the report and said, "I find the following passage in such a page." Now that he safely might do, because, perhaps, there were only two or three of your Lordships furnished with the book in the house at the time. "I find the following passage in such a page," said the counsel to the witness, "is that true or is it false; is it a fair or an unfair representation?" Sometimes it was asked, "Is that an honest statement?" sometimes, "Is it scandalously false?" One recoils with amazement and indignation from such an examination. I have known to be sure, at trials for felony, when counsel were not allowed to address the jury, a speech thrown into the

form of a question; but when advocates had addressed the Court for twelve hours and a half—when they had exhausted all their powers of speech, and poured out more than the vocabulary of our language affords in attacking these Commissioners and their Report, such a course was altogether without justification or excuse.

"Is this a fair and an honest account of what passed?" says one learned counsel; and at first the witness's answer, though it did not adopt the invidious expression, was quite consistent with the witness's meaning to affirm it. But when I asked him if he meant to charge the Commissioners with dishonesty, he said, "Very far from it." "Did not the Commissioners tell this scandalous falsehood?" cries another learned counsel. Again an equivocal answer from the witness, who, when pressed by my noble friend* or myself, said, "God forbid I should impute any such thing!" And strange to tell, both the learned counsel, upon their witnesses thus refusing to adopt those odious charges, one after another denied that they meant the offensive imputation,—denied that the contrary of honest meant dishonest,—denied that falsehood meant wilful breach of truth,—nay, even that the addition of "*scandalous*," which one should have thought was made for no other purpose than to distinguish moral from logical falsehood, gave to the phrase any invidious sense! Yet these counsel I know to be as honourable men as any in the profession. But to such shifts, such desperate expedients, does the zeal of advocates and the instigations of interested clients, drive men in a case like this.

But how was the inquiry further carried on? A charge of extravagant expenditure was to be met by a corporation (that of Sutton Coldfield,) and, said the

* Lord Radnor.

learned counsel, with an air of triumph, "Was the management of the corporation funds regulated by a decree of the Court of Chancery?"—"To be sure it was." When was it passed?"—"In such a year." "Then it was not voluntary to spend the money so?" "Not at all." "You mean to say," (for one answer or even two or three never satisfied them) "it was under a decree of the High Court of Chancery, and you are obliged, whether you will or no, to spend the money so?" said the complacent counsel. "Yes," said the willing witness. Now, what was the conclusion intended to be drawn from this? To what did all this triumphant colloquy of the gentleman with his only witness lead? Neither more nor less than this, that the Commissioners had charged the corporation with a lavish expenditure, with extravagance, if not with embezzlement, and had suppressed the fact that it was all carried on under a decree of the Court of Chancery; and I venture to assert, your Lordships, who heard the examination, believe firmly, up to this hour, that the Commissioners had suppressed all mention of the decree. But no such thing. Look at the Report of the Commissioners, and you will find that this decree of the Court of Chancery stands in the front of it, stated as distinctly by the Commissioners as by the learned counsel, or by his witness in the examination. My Lords, I do not wish to occupy your time with these things; I have half-a-dozen cases before me of the same kind. We were at last obliged to stop the witnesses who bore their part in scenes thus got up, and ask whether the Report did not state the very thing they were triumphantly detailing, when, in that awkward manner, and with the sheepishness of visage which even experienced and zealous town-clerks can sometimes put on, they acknowledged that it did. Such is a speci-

men of the sort of manœuvre to which the learned counsel resorted. But not the only manœuvre. Another was far more notable. Witnesses were prevailed upon to swear that the Report was incorrect and false, by counsel affecting to read, as part of the Report, that which is not part of it at all, and by stating that to be omitted from the Report which lay before them staring them in the face. There are no fewer than three cases of this description with respect to Coventry alone.

The witness was addressed in the following words by the learned counsel at the bar:—"I see it is stated in a paper I have before me (the Report of the Commissioners,) that, 'neither the parish of St. Michael nor the other parish mentioned as forming part of the county of the city, are at all connected with the town; they are inhabited by an exclusively rural population;' is that true?" To which the answer was, that "A very large proportion of the parish of St. Michael is within the city, a large proportion of the parish of the Holy Trinity is also within the city, and there is a smaller parish of St. John the Baptist also within." Well, to be sure, this seems a very positive contradiction, and doubtless your Lordships must have been of opinion that a Report filled with such gross inaccuracies as that just read from it by the learned counsel, was totally unworthy your consideration. You see the contradiction is direct. The Report (as read by the learned counsel) says, that the parish of St. Michael is not in the city, and that it is inhabited by an exclusively rural population, and the witness says "that is not true," for a large proportion of St. Michael is in the city. Nothing can be plainer, and the Report is not to be trusted, if this evidence is to be believed. Probably it did not occur to any of your Lordships just to turn to the page of the Report cited, and to

follow the counsel while he read, or pretended to read from it, for the purpose of administering the contradiction. Of course you would take for granted that the passage which he made as if he read from the Report really is to be found there, and consequently that there is no further room for doubt upon the subject. But what is the fact? I have here the Report before me, and surely your Lordships will share my astonishment on finding not only that the Report does not contain the passage which the counsel pretended to read from it, for the purpose of asking the witness whether or not it was true, but that it contains the direct contrary; in short, that the statements of the Commissioner and the witness absolutely agree, and that if the counsel had read the Report correctly, the witness must necessarily have confirmed instead of impeaching it. Your Lordships will remember the passage as quoted by the counsel, which I have just repeated from the printed evidence. Now here is the passage in the Report itself, page 1795,—"The limits of the city and suburbs comprehend the parishes of the Holy Trinity and St. Michael in Coventry," with certain exceptions. Then a little lower down the page, "The limits of the city comprehend, in addition to the city and suburbs, the parishes of Foleshill, Exhall, Anstey, Stoke, Stivichall, the greater part of Sowe, and a small part of Shilton. The limits of the city, as above described, comprehend the whole of the town. They comprehend also some land which belongs to the parish of St. Michael, but is detached from the main portion of it. Neither this outlying part of the city, nor the other parishes mentioned as forming part of the county of the city, are at all connected with the town."

Now compare that with what the witness says. He says, a very large proportion of St. Michael and

the Holy Trinity is in the city. What does the Report say? Trinity and St. Michael are within the city, with some exceptions which are afterwards particularized. Then it is not the parish of St. Michael, but the detached part of St. Michael, which the Report says is not in the city, and the other parishes referred to are clearly Foleshill, Exhall, and the rest of them. Now what do your Lordships think of this sample of the bale? It may perhaps be said that after all this is a matter of secondary importance; and whether the Report is proved to be right or wrong is of little consequence. But your Lordships will remember that counsel thought it worth while to show, in the best manner he could, that it was wrong, and it is quite certain that the matter is one of serious moment in the controversy. This is one of the most direct instances brought forward among the very few attempted to sustain the very strong and very sweeping allegations of falsehood and inaccuracy made at the Bar. Your Lordships cannot doubt that the counsel brought forward the most striking cases they had to prove—this is one of them, and you see now, that in order to impugn the Report it was necessary first to falsify it, and fabricate a new one.

Now I will take another instance. In the one which I have just quoted, the falsification of the Report is obvious to any one who will take the trouble of turning to it; in the next which I shall quote, the same expedient was resorted to, although it requires a little more attention to discover it. The Report states, that the magistrates of Coventry are charged with having neglected the public interests from a desire to promote the advantage of certain of their own servants; and adds, that to such a cause is attributed the collision which has taken place between them and the directors of the poor. The witness was asked

what could be the meaning of this passage; and he was examined at some length as to the particulars of the appointment of a chief constable, one Prosser, who, as it appeared, was recommended by the Home Secretary of State, and appointed accordingly. It seems that the directors of the poor had desired to have another person appointed; and the witness was very pointedly asked more than once, whether he did not believe that this appointment of Prosser was the instance on which the Commissioner proceeded, in stating that the magistrates neglected the public interests to promote the benefit of their own servants. "According to the best of your belief, this alleged charge proceeds upon this, that the corporation appointed to this office of chief constable, at £140 a-year, not one of their own servants, but a person recommended by the Home Office, rather than take a person recommended to them by the directors of the poor?" "Yes." "The passage next following that I have quoted from the Report, is this:—'To such a cause is attributed the collision which has taken place between them and the directors of the poor,' namely, this appointment of Prosser?—Yes."

Your Lordships must observe that those words, "namely, this appointment of Prosser," are not in the Report, but are a gratuitous addition by the counsel, who had been gradually leading on the witness, step by step, to swear positively that this was the instance to which the Commissioners referred.

Now, I have no sort of doubt, that by this course of examination a double object was effected. First of all, your Lordships, or such of your Lordships at least as did not take the trouble to consult the Report, would be led to believe that you were hearing for the first time the particulars of Prosser's appointment; and, secondly, you could not fail to be convinced that

this was a most frivolous and unfounded charge, which the Commissioner had ventured to make on such grounds alone, while he studiously excluded from his Report all those particulars by which alone you could judge of its real character. I know at least that this would have been the effect on my mind, if I had not by this time seen reason enough to suspect the fairness of the examination which the learned counsel were instructed to make by the town-clerks; and if I had not been consequently led to take nothing for granted which was said either to be in the Report, or not to be in the Report, until I had examined it myself. Nor was my labour thrown away; for, in the first place, on turning to page 1800, under the head Chief Constable, I found all the particulars relative to Prosser's appointment set out, and much more fully set out than by the witness at the bar; the desire of the Corporation to make the police more efficient, their application to the Secretary of State, and all the circumstances connected with his appointment. Then I turned to page 1836 of the Report, which contains the statement quoted by the counsel, of the collision between the magistrates and directors of the poor, and I found that the Report distinctly states the real cause of the collision, leaving nothing for the imagination or belief of the witness as to the meaning of the Commissioner, but plainly stating that the cause of the collision, of the loud dissatisfaction and angry feeling excited among the inhabitants, was not the appointment of Prosser as chief constable, as your Lordships were led to think, and as the witness swore he believed the Commissioner implied, but the refusal of the magistrates to intrust the service of summonses and warrants of execution for non-payment of poor's-rates to the directors of the poor, and also their refusal to insert more than one name into a summons. This was the cause

of the collision, because the costs of execution are stated by the Report to be grievous, and often ruinous to poor families, when the sum distrained for is comparatively trifling. And it was charged against the magistrates, that they persevered in this system, in opposition to the representations of the directors of the poor, and many of the most respectable and wealthy inhabitants of the city, because their clerk was allowed to charge two shillings for every warrant, and because Prosser profited by the executions, whose salary, your Lordships are to observe, although the counsel and witness studiously concealed that fact, the Corporation had guaranteed to the extent of £140; and therefore, in that sense, there was no inaccuracy in calling him their officer; because they were bound to pay his salary out of the corporate funds, if his other sources of emolument should fall short.

Now this was the charge broadly and distinctly made by the Commissioner. It may be true, or it may be false; that is not the question now. What I wish your Lordships to observe is, that the counsel passed over the whole of these transactions in silence, and painfully brought the witness to swear that the collision alluded to arose out of the appointment of Prosser to be chief constable of police, although Prosser's appointment as police constable is not at all in question here; and in page 1800, where it is mentioned, all the particulars detailed at the bar, and many more are set out; and it is stated that the Corporation had made this application to the Secretary of State, wishing to render the police of the city more efficient. So that your Lordships are made to believe that the Commissioner suppressed the facts connected with Prosser's appointment, when in truth he gives them all, and assigns a praiseworthy motive to the Corporation in the application which led to it; and you are also made

to believe that this appointment was alluded to as the cause of the collision spoken of, when another most different cause is distinctly stated on the face of the Report, in the very page from which the Counsel was reading, and to which he was adding false insinuations of his own, and where Prosser's appointment is not at all in question, but is only incidentally mentioned, so as to furnish the groundwork for this most gross misrepresentation. I leave it to you, my Lords, to say who are the parties guilty of suppression.

I will give only one more instance. The whole evidence is full of this sort of case; but I will content myself with citing a single instance. The Report of the Charity Commissioners was mentioned; and it was brought as a charge against the Corporation Commissioner, that he had cited the Charity Report very largely, but had stopped short in the middle of a paragraph, in order to avoid quoting the praise given to the Corporation (as it was said) for the management of its charitable estates. And surely if this were true, no better proof of the malignity imputed to the Commissioners could be given, than that they should quote everything which seemed to blame, and stop short abruptly as soon as the Charity Report began to praise the Corporation; and accordingly I observed that when this statement was first made at the bar, it produced that effect upon your Lordships which might be expected. But it happens that it is not true; and even as the evidence has been given at the bar, your Lordships may see that it is not true, although the questions on this point were asked in a singularly involved manner, and well calculated to produce the impression, that the witness's answers were in accordance with the Counsel's statement, whereas in fact they contradicted it.

And, first, it may be as well to observe, that the

Counsel assumed a little too hastily that there was much praise in the Charity Report; for, on the contrary, that Report exposes and condemns, in the strongest language, the various abuses which were detected in this administration; but after pointing out all the neglect and abuse, the Charity Report states, that in the last few years, exertions have been made to remedy the misconduct of half a century. It states, that "since the year 1828, several new corporators have been admitted, who have applied themselves earnestly to the reformation of the abuses of the Corporation, and to the introduction of a clear system of management," and then it states the particulars of that improvement. Now the whole of this praise is copied into the Corporation Report, page 1812: every word, in short, that related to the Corporation is *verbatim* inserted, and the only passage omitted is one relating to an individual, Mr. George Eld, the gentleman who was examined at your bar. It appears that Mr. Eld had been very active in these improvements; so much so, that the Charity Commissioners considered him to deserve a paragraph to himself, and accordingly they devote one especially to him, with a sort of apology to the rest of the Corporation, hoping that they will not be offended because Mr. Eld's merits are thus prominently brought forward. Now this passage the Corporation Commissioner has omitted, and without any impropriety, as it seems to me; for he might not feel so acutely as the Charity Commissioners and Mr. Eld, the necessity of particularly lauding an individual when he was describing a general system. Your Lordships are to remember that he quotes every word of the praise given to the Corporation, notwithstanding Counsel's allegation to the contrary. But then comes Mr. George Eld, and says, "Heyday! where are the vouchers in favour of my character?" and then he very

naturally thinks, that if he does not get a repetition of the praise which is his due, the Corporation is defrauded; for he is not content with his share of the common praise freely given to all, and he instructs Counsel to charge the Commissioners boldly with having omitted all the praise of the Corporation. Well: the charge is made, and so it must be supported; and then comes the awkward circumstance that the actual paragraph which praises the Corporation is found in the Commissioner's Report. But this is got over with some ingenuity; for by first reading the paragraph in praise of Mr. Eld from the Charity Report, and then reading the paragraph in praise of the Corporation, and, lastly, by asking Mr. Eld whether the passage which Counsel had *last* read is omitted from the Corporation Commissioners' Report; the witness either becomes confused himself, or is enabled to confuse your Lordships, and swears that the passage *last* read is omitted, when in fact he knew, and came to swear, not that the passage *last* read, but the *last but one* read, was omitted, namely, the praise of Mr. George Eld, and not the praise of the Corporation, every word of which, as I have already said, was faithfully and conscientiously inserted.

My Lords, is it necessary to go one step further, in order to destroy the whole effect of the evidence brought to impeach the Report and attack the Commissioners? Your Lordships, by a large majority, cheered on these charges; many looked most complacently upon the case, as if it were proved; and some were so satisfied that they avowed their readiness to condemn both the workmen and their work, without the ceremony of asking an explanation or hearing the defence. You now see on what kind of foundation the charges were built, and how far the sentence

would have been just which you were so very ready to pronounce.

These instructions to counsel were given by the corporate officers, and chiefly by the town-clerks. If, my Lords, there had been but a single little clause, inserted in some snug and convenient corner of the Bill, to provide that all who are now the incumbents of any municipal office should continue in the same, I doubt if we should have had half so many petitions presented. I am sure we should have heard but little of the evidence which has been delivered at your bar; and I believe that the learned counsel who addressed your Lordships in behalf of the existing rights, with all the zeal of their anxious clients, the score or two of town-clerks now in London assembled, would have been at liberty to exercise their talents and display their animation elsewhere,—for the behoof of other parties, and to the edification of other Courts.

My Lords, another circumstance to which I cannot help adverting, is the attack which has been made upon certain individuals whom the Commissioners had examined, an attack made for the apparent purpose of damaging the Report and of vindicating the corporations, but which not being followed up by any impeachment of the testimony given by those individuals, vanished into smoke. Thus, in the case of Mr. Marryatt of Coventry, after a spell of an hour's length, after harassing the witnesses by putting the same questions to them again and again, I certainly expected that something would be elicited to alter the nature of his evidence before the Commissioners, and that Mr. Visger of Bristol would have fared no better. I naturally reckoned upon Mr. Marryatt being contradicted as to what he said he saw, and what he told of his own knowledge, even if it be admitted that the knowledge was acquired while he was serving his time

with the town-clerk of Coventry. But although the learned counsel left no means untried of impeaching his credit, though he examined minutely into the fact of Mr. Marryatt having learnt what he swore from his situation in the town-clerk's office, not one word was said to show that what he told was untrue,—in not one tittle of his evidence was he contradicted, nor was one fraction of his statement denied. What then can it signify to the accuracy of the Report how those who told the truth came by the knowledge of it? Here is a sample of the kind of answers given to the Commissioners, a sample by which you may judge of the whole cargo, without further breaking bulk. Take another of the same kind. Mr. Merryman, the town-clerk of Marlborough, is called,—a sharp, clever young man, who was appointed at the age of twenty-two, being the son of the mayor,—and who, if he had been the son of any other man, might, I suppose, have waited until he was forty-two before he was honoured with the appointment, although from his appearance I nowise doubt of his fitness for the office. A question was put to him about the parties who had taken upon them to swear before the Commissioners, that if Lord Aylesbury objected to a man, there would be no great chance of his being elected a burgess; and he answered by vituperating those who made such attacks, speaking of their spite and want of courtesy, and what not, and launching out into much praise, but of a vague and unprofitable kind, which he lavished upon Lord Aylesbury, and upon the corporation. But, after all, did he deny the fact? No such thing. He was asked by us—"Do you, Mr. Merryman, who are the friend of the corporation, the son of the mayor, and the eulogist of the borough-patron Lord Aylesbury,—do you assert, that if a man happen to give offence to his Lordship, or is not acceptable to him,

he has any chance of being elected a burgess? Do not tell us what so and so said from spite, but give us a plain answer to that plain question?"—"Then," said he, "the fact cannot be denied—I think such a person *would* have little or no chance of being elected." So that the only conclusion to which all the evidence on this head brings us, is, that a certain spiteful man told the Commissioners the truth, that they believed what he told them, and that this unspiteful man, the friend of Lord Aylesbury, now admits that the evidence given by the spiteful witness was as true as the Gospel. The Oxford evidence affords another instance of the same course pursued by the petitioners, carefully avoiding the real question whether the Report is true or not. There is much general praise sworn to of the corporation and much blame of its adversaries. But not one word is said about the statement in the Report, that of the 1500 corporators, not 500 take any part in managing the charity trusts, and that of these 65 are paupers receiving parish relief.

This, my Lords, is another sample of the manner in which the examination was conducted, and of the impression which was sought to be made by dwelling upon fringes of the argument, pulling down things which nobody was interested in supporting, and suppressing those parts of the evidence which tended to establish the accuracy of the Reports. I must say, that taking in the mass the evidence which was adduced by the learned counsel at the bar, I never saw any of a more futile nature brought forward in support of a charge against any public functionaries whatever. But I wish to give particular instances; and the one I now allude to is that of my excellent friend Mr. Drinkwater, than whom a more honourable and conscientious man (I might add, a more accomplished

and able man,) I believe exists not upon the face of the earth. It suited the humour of my noble and learned friend* to designate him as a Whig;—I wish he were. But if he be, he has acquired his Whiggism since I left the Court of King's Bench and the Northern Circuit: which in one sense is somewhat mortifying, because all the time I had him under my tuition I never saw any appearance of Whiggism in him; and assuredly he comes of as good a Tory family as any of your Lordships. However, he is now discovered to be a Whig; I can only say, it is at least as new to me as it is agreeable.

Lord Lyndhurst.—I rise to set myself right, as to what has been said by the noble Viscount opposite.—

Lord Brougham.—The noble and learned Lord must see how inconvenient the license is which he is about to take. Why should he wish, in the middle of my speech, to answer something which has been said, not by me, which would be irregular, but by another, which is absolutely unheard of? In the time of the Greek orators, it was customary to speak for an hour, examine some half-a-dozen witnesses to gain breathing time, and then go at it again; but who ever heard, even then, of Æschines interjecting an answer to Demosthenes, as my noble and learned friend would now do to the noble Viscount, in the middle of the speech of some orator, whom I cannot tell the name of; for he must have been obscure indeed if I could liken myself to him, and his name has not reached our days. I really can allow my noble friend only to set *me* right by this interposition, if I have mis-stated anything; but as to his getting up, and replying to the speech of another man, I can hardly be expected to suffer that, unless I were much more exhausted

* Lord Lyndhurst.

than I at present, ill as I am, happen to feel. But I return to Mr. Drinkwater. If he did his duty as a commissioner, with perfect impartiality, it does not signify one straw whether he is a Whig or a Tory. If he has become a Whig, I suppose it is from experiencing the deficiencies of the Tories, and witnessing the excellent achievements of the Whigs, that he has got on the right side of the question; but I believe that he is no more a Whig than my noble and learned friend himself. Or, to take a safer comparison, than the noble Earl at the table.*

LORD FALMOUTH.—I never was, nor ever will be one.

LORD BROUGHAM.—That is dangerous to say. How can you tell that *your* conversion too may not come? However, a more flimsy charge never was made against mortal man, than that which is insinuated, rather than brought forward, against this gentleman. It was said, Why did he take Mr. Visger's evidence out of Court? But he never did so—never thought of doing so. He received, as was his bounden duty, in private, information upon which he might in public proceed; and not only can no blame be imputed to this, provided he examined all the evidence publicly, and did not decide upon what he had privately learnt; but he could proceed in no other course, unless he designed the whole inquiry to stand still, and to prove a mere mockery. Why, I should like to know how any men are to carry on an investigation of this sort? Are they to shut their ears against all who come to suggest topics of examination, and put them upon the track? Most clearly they are bound to hear all the information which is offered to them, although not to decide until they have taken evidence in open Court; and that is

* Lord Falmouth.

precisely what Mr. Drinkwater did. He took the suggestion; he examined the evidence; he was put on the track; he pursued it; he made up his mind, but only to act upon the suggestion; he did not decide; he did not make his Report until after a public examination of the evidence;—and then I come to that which is the *gravamen* of the whole charge. It appears that after he had inquired, some information came from the Corporation party, who begged that he would put it also upon the Minutes; and for refusing to do so, he is charged at one long step with having suppressed it; and by a jump from that step, he is accused of having made underhand a Report, founded upon information derived from one party, while he rejected that which was tendered by the other, who now complain of this notable suppression! But what was the fact? The evidence tendered by the Corporation related to an alleged improvement made after the Commissioner had closed the inquiry, and left Bristol, and returned to London! Was he at *that* time to alter his Report? Was he to change and to garble his statement, finished and founded upon what he had seen on the spot, and framed upon the evidence taken openly, in a legal, regular manner, in the face of the people? And this was he to do on the private communication of one of the parties, behind the other's back? If he had done so, then *indeed* I think he would have been liable to that charge which I hesitate not now to declare has been the most absurdly and unjustly brought against him of all the imputations made against all the Commissioners.

I know not whether it will be proper now to trouble your Lordships by going again into the case of East Retford, or the evidence upon which an attempt was made to impugn the testimony of Mr. Bigsby, who swore that he had seen a magistrate and a pri-

soner rolling together on the floor of the justice-room. I asked the witness whether Mr. Bigsby was a respectable man; his answer was, that "he was most highly respectable," and that he had been in partnership with the town-clerk. But then he endeavoured to shew (as he could not impute want of veracity) that Mr. Bigsby must have been mistaken, and must have thought it was the magistrate when it was the constable who rolled on the floor. A more marvellous failure I never yet did see in any such attempt at reconciling testimony, which it is found impossible to displace! The witness referred to another case, clearly not the one Mr. Bigsby spoke of, but one in which a police-officer was rolling on the floor of a room in an ale-house with a felon of the name of Grimes; and then he admitted—an admission which was sufficient to put the whole explanation out of Court—that Mr. Bigsby was never in the room of the ale-house at all. Does not this demonstrate that he could not have seen the policeman rolling with the felon on the floor? and that his statement could not have referred to what passed in the ale-house? Mr. Bigsby is not discredited; no one pretends to say he told an untruth. The only attempt made is to shew he was mistaken, when he said he had seen a magistrate on the floor in the justice-room; and that attempt is prosecuted, by shewing that in an ale-house where Mr. Bigsby never was, a policeman was on the floor. Can any thing be more signal than the failure of this attempt? Then, as to the report about Alderman Parker; that part was drawn by Mr. Cockburn from his own notes of the evidence. The notes taken by the other commissioner, Mr. Rushton, which I have seen, tally exactly with Mr. Cockburn's statement. To contradict them, the Corporation might have called the short-hand writer who was in the room at the examination, who is here

at hand, and who could have attended. But he is not called. They only examine a man who had taken no notes at all; and why are we to believe him rather than the two Commissioners? Any one of your Lordships must know that in a court of justice, where there is conflicting testimony—where there is word against word, or oath against oath—such an omission as that of calling the short-hand writer would put the case out of court, and establish the accuracy of the Report as certainly as that two and two make four.

My Lords, I think I have done enough to throw as much light upon this subject as suffices to vindicate the Commissioners from any charge. If I did not in my conscience believe that I had sufficiently vindicated them in the mind of every intelligent, patient, and candid inquirer—every one who is seeking after the truth, and not after vengeance and injustice—no tedium to myself, no lassitude under which I may labour from the fatigue of last night, and, above all, no impatience on the part of the House, would induce me to shorten my statement by a single minute of time. I am performing an act of justice—I am doing a necessary deed—I am defending those who are accused behind their backs, and are about to be condemned without even being told what they are charged with—I am seeking to stay judgment, and, for aught I know, execution against those absent and undefended men; execution about to be passed upon the most valuable thing in this life, their character. The precious fame of eighteen or nineteen men, as honest as any upon whom the sun ever shone, is sought to be tarnished for party purposes, to gratify the malice of some, and serve the sordid ends of others. Charged with their protection whom you have not suffered to defend themselves, I am justified in engrossing the attention of your Lordships, even though it should be to the ex-

haustion of your patience, while I make the statements which I feel that it would be as unjust for me to abstain from making, as it would be for your Lordships to refuse to hear, until I deemed, as I now do, that I have made a thoroughly good, sound, and perfect defence of those traduced and absent men. Having done this, I feel that I have only discharged a duty which rested upon me. I was never absent an instant during the examination of the evidence. I have made up my mind from no predilection in favour of the inquiry or of the Commissioners who conducted it. I felt that this duty rested upon me as the author of the Commission, and the author, or at least the person to whom had fallen the largest share in framing, this great measure—this necessary scheme of ample and general improvement. I have watched over its fate from its embryo state—from thence I have attended it through all its successive stages, and I am only persevering in discharging the duty I owe it in this which should be the moment of its maturity, but which I fear only precedes its dissolution. I feel, above all men, anxious that no adventitious source of blame shall be attached to it, either from the defenders of it, or from the foundation on which it is supposed to rest—that no extraneous weakness shall be ingrafted upon it—that no exotic rottenness shall be implanted in it—that no needless scathe shall befal it through the misconduct of any man connected with it, even of the men whose appointment I was aware of, and was, legally at least, amenable for—many of them being utterly unknown to me, but all recommended by those in whom reposed my entire confidence; so that I shrink not from the full responsibility. I am answerable for their appointment in the face of the people, whose hopes are centred in the passing of this Bill. But I am yet more deeply re-

sponsible for the measure itself and its success; and if any one of these men, contrary to my reasonable expectations, contrary to all I had a right to reckon upon from men so recommended to me, had failed in his duty—if the result of the present inquiry had proved that the choice of the Commissioners was a wrong one—if the Commissioners had proved to be unjust and partial men—if their conduct had turned out careless, and ignorant, and unfair—had been found dishonest or neglectful—and if, through ill-judging friendship to the measure, they had made themselves the worst of enemies, by corruptly executing the functions committed to them—in a word, if, by their deficiency or by their fault, they had cast any discredit upon the inquiry in which they were engaged, or upon the measure to which that inquiry gave birth, I should have been the first to shake off the contamination which would have attached to the measure and to myself from such a fellowship, and recoiled with disdain from a contact so impure. I should have given them a fair trial—I should have lent a patient hearing to their defence before I gave them up; but, being once convinced, I should have been the first to abandon them, as they had abandoned their duty.

I claim the credit, my Lords, of having watched attentively, sedulously, and anxiously all the evidence given upon the conduct of these men; but I claim more—I assert that no one sifted the conduct of the accused with more jealousy—none scrutinized it more narrowly, more inexorably—I was a judge altogether impartial—I had no interest in protecting them if guilty, none in stifling the charge against them—my sole object was to discover the truth. And now, after hearing all that could be offered against them—after sifting, as far as I could without them, the charges brought—after examining the whole case, as well as

I could in the absence of the accused—after hearing the evidence in support of the charge alone, and hearing only the *ex parte* statement made at your bar—I feel myself prepared, most clearly and most conscientiously, to pronounce their acquittal. I consider, indeed, that the Bill does not stand upon this ground alone: if the Commissioners had been proved to have exercised their authority improperly, and even if they had practised all the malversation imputed to them, it could well survive their condemnation; in pronouncing which, had they been guilty, I should have joined; but I see not the shadow of a shade of ground for the charges which have been fabricated against them.

One word now as to the feelings of the people, expressed in the language of their petitions. The noble Earl* says, that the sentiments delivered are not their own, but such as have been put into their mouths by excitement and agitation. My Lords, the proofs of this are about as solid as those brought against the Commissioners. He has spoken of two letters franked by Lord John Russell, and sent to what he calls a radical gentleman at Weymouth, in consequence of which, meetings were held there, and petitions sent up to this House. "Now, how do I know," argued the noble Earl, if argument it could be called, "but that the same practice is carried on in other quarters." Somebody it seems had seen two letters; but even if he saw the address, with the radical superscription upon it, franked by Lord John Russell, had the informant opened the letter? Did he know what was in it? The noble Earl does not pretend that anybody told him that; and is he to assume, that because Lord John Russell franked a letter, without ever inquiring whether it was destined for a Radical or a Conserva-

* Lord Falmouth.

tive, therefore his Lordship was engaged in agitating the people of Weymouth?

We are told that the feelings of the people are not spontaneous; that they are worked upon by agitation; and that their acts are those of a deluded mob. I grieve to hear it—I feel some alarm. I think a deluded mob of 23,000 persons would be a very awkward thing to deal with; and that number of persons signed the petition at Manchester in ten hours. There was no time to call a public meeting, but in three or four days it would have been signed by 30,000 persons. This is the majority of the population of Manchester, when the women and the children—the persons who are not of the signing age and those who are not of the signing sex—are put out of the question. The petition at Leeds was signed by 16,000 persons after a public meeting holden there; signatures to the amount of 20,000 might easily have been obtained, for many went away from the meeting without signing, thinking it would be superfluous to do so; but this number answers to a population of about 50,000, which is greatly more than a majority of all the people of Leeds. At Leicester, the petition was signed, in a few hours, by 9500 persons—that very Leicester which sent up their town-clerk to tell us that everything went on well in the administration of their affairs—that their justice was perfect—their magistrates paragons of excellence—that everything was satisfactory—that nothing within the whole compass of mortal fancy could be better than the state of their municipal affairs—that there were only a few persons of no mark who showed any discontent, and imagining they had found a better system, were out of conceit with the old one; and yet it turns out, after all these panygerics, that this petition in favour of the Bill is signed by a number of no less than 9500 of these pleased,

contented, and highly gratified inhabitants of the town of Leicester—a number amounting to four-fifths of the population—a petition, too, containing expressions so strong, that your Lordships in your indignation refused to allow it to be presented. If, therefore, four-fifths of the people there are so ill pleased with your Lordships from the mere suspicion that you do not mean to pass this Bill, but that you mean to maintain this popular, and excellent, and altogether perfect regimen, that of the present corporation, at least such a circumstance may be regarded as an indication that the public mind in Leicester is not quite so contented as the town-clerk of that place would complacently represent.

My Lords, I draw one conclusion from the whole of the arguments at the Bar—from the fierce opposition to the Bill—from the violence of the witnesses examined. It is, that the people of this country are utterly discontented with their present municipal government, and that the municipalities know it. Do I ask a proof that the people all deeply desire an alteration—that this wish is universal, strong, deep-rooted—that, if there are any exceptions, it is among those interested, like the town-clerks whom we have heard at the Bar, and the other witnesses almost all directly connected with the present corporations—such proof is furnished by the conduct of the corporations themselves. If the friends of the present system really believe what they often say, that its constitution and administration are such as to command the respect and to win the hearts of all men—if they and their works are the delight of the human race—if their present magistrates are perfectly acceptable to the people—if there is no hostility between the corporate bodies and the inhabitants, but everything is contentment and sunshine all around them—then why so much

afraid of this Bill, and of new elections by the general body of their fellow-citizens? Why so much afraid of the householders—of those to whom their past conduct has given such satisfaction? Why insist upon electing one another, and not trust their dearly-beloved selves to the voices of their much-loving fellow citizens? I once or twice tried that argument with the town-clerks whom we examined, and when they did not perceive the drift of the questions, they got into the net of this reasoning. At first they answered very glibly. "Are the public officers," I demanded, "very unpopular?"—"No, not in the least." "Are they all acceptable to the people?"—"Yes." "They are popular, then, in the place where they live?"—"Certainly." "Do others think so beside yourself?"—"Yes, others think so too." "The great majority of the rate-payers are for them of course?"—"Yes." "Then, I suppose, if they had to choose a new corporation, the present men would be re-elected?" The witnesses did not quite so much approve of that question. One of them from Rochester fell into the snare, and said, "Yes; O yes, they would all be re-elected." But this seemed to raise the indignation of the learned counsel, who began to think what kind of a case he would have if it were admitted that the only difference provided by the Bill would be, that the same individual aldermen, wearing the same gowns, would have their names changed to that of members of the council, and that all the argument of spoliation, and injustice, and oppression would be swept away. But I judge from every one of these cases produced against the Bill and the Report—from the firm dislike towards the measure shown by the whole of the corporations—from their hatred to open election, and their determination to cling by close election and self-election—from all this I judge that

the feeling universally pervading the present rulers of burghs is, that they will not be re-elected by the people, because their administration has not been satisfactory, and because the whole system, both in theory and in practice, has secured for itself the distrust, the aversion, the hatred of the community at large. This was the case in Scotland two years ago, on the passing of the Bill which I had the honour of carrying through this House, vigorously opposed by my noble friend* opposite, and my noble friend on the floor.† That great reform was followed by a total change of the magistracy throughout Scotland, which showed that the Scotch people were not enamoured of their municipal system; and I look, as do the English corporations themselves, to the like result here.

My Lords, I really hope that your Lordships will go on with this Bill in a friendly spirit. I hope, at least, that my gloomy expectations have a chance of being deceived, and that the sharp alarm which penetrated my mind upon the announcement of the noble Duke, this night, for the future fate of the Bill, will prove to have been needless and groundless. I have no words to express my sense of the importance of those interests which are involved in the fortunes of this measure; but I leave it to your Lordships, with the hope and the prayer that you will suffer it to become the law.

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* Earl of Haddington. † Earl of Rosslyn.

# DISCOURSE

ON THE LAW OF

# MARRIAGE, DIVORCE, AND LEGITIMACY.

# DISCOURSE.

MARRIAGE, DIVORCE, AND LEGITIMACY—BILL OF 1835—SIR WILLIAM SCOTT.

THERE is no one branch of the Law more important, in any point of view, to the great interests of society, and to the personal comforts of its members, than that which regulates the formation and the dissolution of the nuptial contract. No institution indeed more nearly concerns the very foundations of society, or more distinctly marks by its existence the transition from a rude to a civilized state, than that of marriage—supposing always that the rights of property can hardly be unknown in any period of society, and that marriage is not to be considered as coming within this description. There is no branch of jurisprudence, too, which it would be more for the interest of nations, as well as individuals, to have established upon the same grounds in all countries—and yet unfortunately there is hardly any one which exhibits greater diversities, both in its detail

and in its fundamental principles in the constitution of different states. To go no further than the communities which compose the Christian world, and which differ from most others in prohibiting polygamy, (those others differing widely among themselves as to the conditions under which plurality of wives shall be permitted,) while in some countries marriage is a merely civil contract, and may be dissolved—in others it is a religious obligation, from which no act of the parties can release them. In those countries where it is dissoluble, one system permits the tie to be broken at the suit of the wife as well as the husband, while another only recognises the misconduct of the former as a ground of divorce. In some places mutual consent is a sufficient ground for terminating a connexion, which consent alone could have formed—in others, nothing but the criminal act of one party can release the other from the obligation of the contract; while in several countries conduct far less than criminal, as mere desertion, or defective temper, or incompatibility of character without any actual offence at all, is held a sufficient ground of divorce. So the rights of the issue are variously dealt with in the different systems of law. The child in one is held legitimate if his parents intermarry after his birth—in another, he is excluded absolutely from all filial rights if born before the marriage—in a third, he may, though a bastard, in peculiar circumstances, without enjoying these rights himself, transmit them to his issue, as if he had been all the while legitimate. The manner of entering into the contract—the circumstances which shall constitute a

marriage—the guards by which parties and families shall be protected against imprudence and surprise in the formation of so important a connexion—are equally various. While, in one place, the mere act of the moment testifying a consenting mind in both parties, binds them for ever; in another, various solemnities must be adhibited, purposely contrived to render the unreflecting formation of the union more difficult. Here, all persons of the earliest years of legal capacity, and while yet in mere childhood, are suffered to bind themselves to each other for life—there, until a riper age, the consent of others is required to make the contract effectual. The rights consequent upon the matrimonial union, and the remedies for their violation, are equally various in various systems; but our present concern is only with the validity of the contract, and its effects upon the status of the issue, and more especially with the anomalous condition of the laws prevailing on this important subject in the different parts of the United Kingdom.

No one could beforehand have supposed it possible that two countries connected together as are the northern and southern portions of Great Britain, could allow a year to elapse without some attempt to assimilate their law of marriage and divorce. If a traveller, returning from some remote quarter of the globe, should tell us that he had been in a country where the inhabitants were, on one bank of a fordable river, allowed to marry at twelve and fourteen years old by merely pronouncing five or six words, while, on the other side of the stream, they could not marry under

twenty-one, without the consent of their parents, and in neither case without religious ceremonies; that yet if the latter class walked across the river they might validly marry at any age and without consent; and that this marriage was held as valid in their own province to all intents and purposes, as if they had been of full age, and had married with the religious solemnities prescribed; that on the northern bank of the same river, the marriage contracted there might be dissolved by sentence of the Courts of Justice for various reasons, but on the southern the contract was indissoluble; that though a marriage contracted in the south could not be dissolved in the north, nevertheless, if the parties to the southern contract chose to have it dissolved, the northern courts would do so, and then they might marry again there, but if they came and married south of the river, they would be guilty of felony; that the same person is a bastard in one part of the country and legitimate in another; nay, a bastard in the same part when he claims landed property, and legitimate when he claims personal effects—incapable of inheriting half an acre of land, but capable of succeeding to a million of money, all secured upon landed property, and so secured as gives him the power of taking immediate possession of half a county, or half a town. Surely such an account would be at first received as fabulous; but if credit should be extorted by the character of the narrator, all his hearers would in one voice exclaim that the people governed by such laws must be sunk in the lowest state of barbarism, and that at any rate so barbarous a state of things never was calculated

to endure for a month, and could not last for a year without producing the most inextricable confusion. Nevertheless, such is exactly the condition of England and Scotland at this hour—such it has been in most particulars time out of mind—in all particulars for nearly a century—and yet the intercourse between the two countries has been constant and uninterrupted, and their relations of blood, marriage, property, sect, party, have been as intimate as can be those of two nations inhabiting the same territory, and separated only by a narrow river, or in many places by a fence, or even in some by an ideal line of demarcation.

It must be further admitted, that by the modifying effects of manners upon institutions, the contrast and the conflict of the laws have produced far less mischief than might reasonably have been expected to result from so anomalous a state of things. Nevertheless, that very great evils have arisen from the diversity cannot be doubted. The provisions of the English Marriage Act have become in many instances wholly nugatory—and they have become so, not in all cases, but only in the case of wealthy persons, that is, in the very cases which the law was principally framed to meet. Except upon the Northern border, no persons in humble circumstances can repair to Scotland for the purpose of evading the provisions of the English act. Upon all who cannot afford a long journey, those enactments are imperative and effectual; but whoever can afford to pay that price finds them a dead letter. Yet the chief object of the Act was to prevent rich heiresses from being married before due care was taken to

secure their fortunes; and to protect young heirs from being inveigled into unequal and injurious matches before they came to years of discretion. Now, whoever has such designs in view, can always command the means of performing the Scotch journey, and thus putting the law at defiance. It is well known that at one time the Archbishop of Canterbury, the Lord Chancellor, and the Lord Privy Seal, were all married at Gretna Green, and had issue after marriages contracted there. There needs no more to prove the absurd and incomplete state of our marriage law in its most important provision, or to show that either the restraints upon marriage in the one country ought to be abolished, or the power of escaping from those fetters by removing for a few minutes into the other, ought to be taken away.

That those restraints, however, are salutary, no man of reflection can doubt. It is manifest, that a contract so momentous in its consequences to the parties, and to those whom its immediate operation is to call into existence, ought to be fenced and guarded by peculiarly ample precautions against haste, or surprise, or design, or improvidence. Can any thing be more monstrous than that he who until he has attained the age of twenty-one cannot dispose of or burthen an acre of his land, or bequeath a shilling of his money, or bind himself by the most insignificant contract which can be written or entered into by words, should yet be permitted to form an union which must last for his life, affect all the estates and money and honours of which he can ever be possess-

ed, and give birth to a family for whom he may be absolutely without any means of providing? A boy of fourteen and a girl of twelve may, in Scotland, form this important union by speaking a few words; but neither can bind themselves in any other respect until they have attained the age of twenty-one years complete, and then they can only bind themselves according to certain rules, and with the safeguards of many solemnities to protect them against fraud or surprise, or even rashness and indiscretion. No one, therefore, could seriously entertain a thought of effecting the assimilation of the two systems, by extending to England a law so barbarous and so full of uncertainty as the Scottish Marriage Law. But that law might well be altered with great advantage to the community, and made more nearly to resemble the English. What real objection can there be to introducing some check upon the marriage of minors? Is it so desirable a thing that every facility should be afforded to the arts of designing persons, and every obstruction removed to the consummation of a design formed in a moment of thoughtlessness, or of excited passion—a design which must constitute the obligation of a whole life, and affect every one of its transactions? Which of us can be interested in smoothing the path of the unprincipled fortune-hunter, and throwing the inexperienced heiress, in her most tender years, into his net, or aiding the contrivances of the crafty veteran who has her own antiquated charms, or her daughter's meretricious allurements to dispose of, in entrapping the unfledged brood of a wealthy or a noble nest? It is painful to the feel-

ings, and it is trying to the patience, to hear men speak with alarm of any alteration in the very worst part of the Scotch law, as if it were an infraction of some peculiar national privilege, and regard the introduction of a manifest and great improvement from foreign systems, as if it were a surrender of some badge of independence, or a stain upon public honour.

If it be true that the Scotch Law is the very worst possible, it is equally true that the English is not the very best upon this cardinal point. But it is not in the securities provided against unfit matches; against these, as far as they go, on no intelligible principle can any complaint be raised; but they are undeniably exposed to the objection, that they are not sufficient for their purpose. The requisite of publication of banns operates only in small parishes; in a church where, as at Manchester, some hundreds of publications are made every Sunday, no notice whatever can be taken of the names read over, and, consequently, no publicity at all is given to the intention of marrying. This arrangement of the law becomes the more ineffectual, in consequence of the enactment declaring the marriage valid although the banns should be published in a parish to which neither of the parties belong. Hence all the clandestine marriages are advertised in some very populous parish, or some parish remote from the residence of those interested in preventing the match. If the age of consent were reduced from twenty-one to eighteen, there could surely be no objection to making the consent of parents or guardians a condition precedent to the va-

lidity of the contract. Indeed, even without any alteration of the age, there can be no possible objection to making this a condition *sine qua non*. For the law as it at present is framed means to make the consent essential, or it means nothing at all. It means, it can only mean, that no minor shall be allowed to marry without that prescribed consent. The alternative of publication of banns is only given to meet the case of those having no parents or guardians to consent, or of the parties not being minors. Yet it affords a means of escaping altogether from the exigency of the law. In the ceremony of publication itself no virtue whatever resides; and unless an infant without consent publishing his intention to marry can be deemed to stand in a different position from that in which he would have stood had he not made the publication, no reason whatever can be assigned for relying on that wholly insignificant act. Suppose the question related to a contract of some other kind, and that it were the policy of the law, for example, to prevent spirits from being sold by any person under a certain quantity (as the Gin Act in fact means to do) —would any one ever think of requiring that those who intend to sell spirits should advertise their design and address in some paper any where, however remote from the Justices of their own district, to enable those Justices to watch their shops? No. The sale of the small quantity would be pronounced invalid, and the seller prevented from recovering the price, as indeed the law has in this case provided. It is quite ridiculous to endeavour to prevent marriages without consent, by requiring notice to be given, and yet

make the marriage valid, instead of prohibiting the marriage altogether, which the policy of the law clearly means to do, but does most ineffectually.

This, then, would manifestly be an improvement on the Laws, of infinite importance—to make all marriages of minors without consent void, adjusting, if necessary, the age differently, and particularly making it less in the woman's case; and to make the Laws of both Scotland and England the same upon this important subject. But should that be reckoned too great a change; and especially should there be found insuperable objections to the alteration of the Scotch Law, there can be no possible reason for retaining the present most absurd and indeed disgraceful anomaly, of having the Law framed in England so as to make the neighbourhood of Scotland open a door for escaping its enactments whenever there are pecuniary means within the reach of the parties to the evasion. The Scotch cannot possibly complain if, their own law being kept in the same rude state in which we now find it, we only provide that it shall no longer be made the instrument of tacitly abrogating the law of England with respect to English marriages. We have at least a right to require, that if the Scotch must still marry in their present way, their custom or their law of marriage shall be confined to themselves, and not permitted to frustrate our English law of marriage in its most important enactments.

The Bill which was entertained by the House of Lords in 1835, had for its principal object to prevent a Scotch marriage between English parties

from operating differently from an English marriage between the same parties; and it sought to accomplish this by requiring as long a residence in Scotland as the time taken by the publication of banns in England. This remedy, therefore, assumed that the English Law, with all its manifest defects, was to remain on its present footing, and only removed from the legal system of the two countries that gross anomaly by which the law of the one nullifies that of the other. It would, if carried, prevent all runaway Scotch marriages; but it would both leave the English law defective and inefficient to accomplish its own purpose, and it would leave the Scotch Law as bad as before. The true remedy is that more ample change of the law, which shall effectually prevent marriages of minors without consent, in both countries, by declaring such contracts absolutely void.

Another mischief of the present system arises from the conflict of the laws respecting divorce in the two countries. By the Scotch Law, an English marriage can be dissolved effectually in the Scotch Courts, according to the doctrines held by those Scotch Courts. But the English Courts hold that such a divorce is wholly ineffectual, and if a party so divorced in Scotland afterwards marries in England, he is punishable as for polygamy, and the marriage is void. If, however, after such a Scotch divorce, he marries again in Scotland, this Scottish marriage is held in Scotland to be valid. A plain conflict hence arises between the laws of the two countries, and if an English honour or estate were claimed by the issue of such a second Scotch marriage, it is difficult to say how the

English Courts might decide, though most probably they would pronounce against the legitimacy. If so, the same person would be a bastard in England, and legitimate in Scotland; the English estates and honours of his father would go to another person, while the Scotch estates and honours of the same father would devolve upon him. Cases might be put of still greater complication and anomaly, where, in the settlement governing the descent of the property there were shifting uses. If, indeed, the Court of Appeal, the House of Lords, should determine in a Scotch case against the validity of the Scotch divorce, and of the new Scotch Marriage, then the Scotch Law would be declared to be different from what it is now held to be, and this conflict would be avoided. But it is on every account far more expedient that such delicate questions should be settled generally and prospectively by some new law declaratory or enactive. The Bill of 1835 proposed to prevent, under certain regulations, the Scotch Court from dissolving English marriages. But it is manifestly improper to prohibit all such divorces generally, inasmuch as it would be inflicting a severe hardship on a party to declare that whatever might be the conduct of the other spouse, though both were domiciled in Scotland, no remedy could be obtained without resorting to England. The Bill, accordingly, proceeding upon the same principle of preventing collusive proceedings in fraud of the English Law of Divorce here, as in the case of marriage, rested satisfied with prohibiting the Scotch Courts from dissolving English marriages without a

certain period of real residence by the parties in Scotland.

The discrepancy between the laws of the two countries on legitimacy, gives rise to another conflict, and to very inconvenient and absurd anomalies, detrimental to individuals, and discreditable to the law. The Civil Law, which allows legitimation *per subsequens matrimonium*, being received in Scotland, while it was rejected by the celebrated answer of the Barons to the Prelates in the Statute of Merton (Hen. III.), *Nolumus leges Angliæ mutari*, if a person born before the marriage of his parents in Scotland, claims English land or honours, he has been held disentitled, though in Scotland he has an indefeasible title to inherit both. Thus he is bastard on one side of the Tweed, and legitimate on the other, and that, although his parents were *bona fide* domiciled in Scotland—nay, although they never had been in England. The like happens if he claims personalty in England—he can obtain this succession with certainty as if he were legitimate, while he cannot inherit land. So he can inherit all beneficial encumbrances on land, as mortgages, with all the remedies incident thereto; but one acre of the land as terre-tenant, he never can inherit. Thus, even where there is no collusive act, nothing colourable, nothing done *in fraudem legis*, this *conflictus legum* makes the same individual legitimate and bastard at the same time; legitimate in one part of the island, bastard in another—legitimate when he claims personal, bastard when he claims real estate—legitimate or bastard, accordingly as he resorts to the Courts on one side or on the

other of Westminster Hall. To cases of this sort the principles of the Bill of 1835 applied in a materially different way from their application to the former heads, because there was here no question of preventing evasion of the one law by the means which the other furnished. It was proposed to make the law of the birth-place govern the question of the party's status; and this would plainly have prevented any evasions, such as might arise if the rule were taken from the place of the marriage. In case the birth-place were Scotland, and the subsequent marriage took place in England, some difficulty might arise; and therefore it would be expedient that the legitimation should only be effected by the subsequent marriage taking place, as well as the birth of the issue, in Scotland.

It is impossible to close these remarks without observing upon the singular state of the English law respecting the dissolution of the marriage contract. It is quite peculiar, and can be defended upon no principle, whether of justice or of expediency. By the rules of our jurisprudence marriage is indissoluble. No Court has the power to dissolve a marriage originally valid. What are called sentences of divorce in our Ecclesiastical Courts, are either mere sentences of separation from bed and board, which can at any moment be put an end to by the parties coming together, and which leave the marriage subsisting, only that by the provisions of a Statute they prevent any prosecution for bigamy, in case of the parties contracting a new marriage, which new marriage is invalid in law, and therefore only the outward cere-

mony of a marriage—or they are sentences declaring that there never was a marriage validly solemnized. The law, therefore, will not recognise the possibility of the nuptial tie ever being loosened. As far as the law goes, nothing done by either party, or by both, can ever put an end to the contract; and, therefore, if it is to be determined in any case, this must be effected by a special law made for that particular case, as a special law may be passed to take away a man's life or his property, which the ordinary laws could not touch. In holding marriage indissoluble, the English Law follows that of Catholic countries, where nothing but the sentence of the Pope—held to have the force of a release from Heaven—can set the parties free from the obligation of their marriage vows. But those countries hardly ever present an instance of such Papal interposition; and very many individuals hold their vows in the face of God, at the altar, to be of a force so binding, that not even the power to loose as well as bind, which resides in St Peter's successor, can work a valid release from them. In England, however, where the contract is now held to be by law absolutely indissoluble, it appears to have been otherwise regulated in Catholic times; and it is somewhat singular, that, while the Romish religion subsisted among us, though certainly after the Papal power had been renounced, and Courts were established for ecclesiastical purposes under the temporal supremacy of the Crown, sentences for the entire dissolution of the contract, that is, divorces *a vinculo matrimonii*, were used to be given by those new tri-

bunals. This has been entirely disused for the last three centuries, and the law upon the subject is now, and for so long has been, quite fixed. There has, however, during the last hundred and fifty years, been introduced the practice of effecting divorces by a Parliamentary proceeding, which, though it be, in principle and in its forms, the making of a new, a special, or a private and personal law for each occasion, (what the civilians of Rome called *Privilegium*,) has, nevertheless, become so ordinary a measure, that it is resorted to, and reckoned upon, as if it were one of the ordinary remedies provided by the law; and it has become subject to rules and regulations, as well known, in governing the discretion of Parliament in making such new laws, as any of those which constitute the practice of the Courts in administering the old and general laws. This limitation of legislative discretion has, no doubt, prevented many of the mischiefs to which these proceedings must otherwise have given rise; nevertheless, it is impossible to conceive any thing more contrary to all sound principle of every kind.

In the first place, the remedy is only open to one of the parties. The infidelity of the wife gives the husband a kind of right to have the marriage dissolved by a bill; and it is a right so well understood, that he obtains his divorce in this way as a matter of course, provided his conduct appears to have been unexceptionable, and that he has complied with the standing orders, which require him to have obtained a verdict in an action against the seducer, and a sentence of separation in the Consistorial Court.

Nay, so much is this regarded as a matter of course, that the Common Law Judges have sometimes directed juries to find for the plaintiff, who was complaining of the loss of his wife's society; this being the gist of the action, while he was proved to have lived for years separated from her. Even in one case where he had made her an allowance upon the condition of her never coming within twenty miles of him, the Court said the verdict was wanted for enabling the party to obtain a divorce in Parliament;* forgetting that the standing orders required a verdict as a test of the conduct of the party, and chiefly to prevent collusion, and that if juries returned verdicts, merely because bills could not pass without them, the test would cease to exist. This error of the Judge, however, shows how much the proceeding in Parliament is recognised as a matter of course, on the husband's part. But the wife has no such remedy; the rules of Parliamentary practice are just as peremptory in excluding her from it, whatever be the conduct of her husband; it is quite as much a matter of course that she should have no divorce, how gross soever may have been his maltreatment of her in every respect. Nor does the rule of her exclusion ever bend to any circumstance of aggravation, except that of incestuous adultery proved with her sister or other very near relation; and of such exceptions there are but three instances

* This was so ruled, but without due consideration, by Lord Ellenborough, in the case of Chamberlayne *v.* Broomfield, at Nisi Prius in 1812.

known. Where the husband had been guilty of unnatural crimes, beside ordinary ill-conduct, the wife was refused her remedy. Now, although it cannot be denied that the crime of adultery is very different in a wife, who by her infidelity may impose a spurious issue upon her husband, it is equally certain that the protection of his rights, as regards spurious progeny, ought not to be regarded as the only object of divorce; and that misconduct of an outrageous nature, such as gross cruelty, living in open adultery with another woman, refusal to cohabit, or such incidents generally as entirely frustrate the very objects of the matrimonial union, ought either to be made severely punishable, or to be allowed as grounds of divorce to be obtained by the wife. Nor is it any answer, to allege the risk of collusion between the parties for the purpose of obtaining a divorce. That collusion must always be a possible risk; and it is, no doubt, frequent in divorce bills under the existing practice. The legislature, or the tribunals which have cognisance of the question, must provide the best checks they can for preventing it; all systems being supposed to agree in this, that no dissolution of the nuptial union should be allowed upon the mere agreement of the parties to terminate their connexion.

But this first objection, of inequality in admitting the remedy by bill, might be removed, it may be said, by a more equitable principle being adopted in Parliament. The second objection is not so easily removed; it is, as at present constituted, a remedy confined to the wealthy, who can alone afford what

cannot cost less than six or seven hundred pounds, including the proceedings in the Courts. This of itself is an unanswerable argument against such divorce bills. No man in moderate circumstances ever can afford to obtain one.

A third objection is derived from the nature of the tribunal. None can be worse constituted for the purpose; none more liable to abuse. Accordingly, although the Peers generally interfere very little with the judicial business of the House, and thus convert what would be, according to the letter of the Constitution, one of the most absurdly framed judicatures in the world, into one which, if not exceeding good, yet practically works tolerably well, their Lordships do not exercise the same abstinence upon divorce bills; and it is not many years since an attempt was made to show favour towards the family of an individual connected with many Peers, by passing a divorce bill, contrary to all precedent and practice, at the suit of his wife. Upon a division, the attempt was frustrated by a very narrow majority, in a House much more full than is ever found to assist at judicial proceedings. The remedy proposed for this some time ago, was to transfer the whole matter of divorce bills to a Court of Justice, and the Judicial Committee of the Privy Council was suggested as the appropriate tribunal. The proposition, being favourably received by the House of Lords, the "Conservative Senate" of this country would in all probability have been adopted by the Legislature had its authors pressed it; and the success which has attended the discretion of

extending patents, more recently conferred upon that useful Court, may operate as an additional inducement to enlarge its jurisdiction in this direction. It is certain that no enquiry can be more appropriate for a Court, or less adapted to a Chamber of Parliament, than that of the facts which should entitle parties to a divorce.

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The subject of the Marriage Law and the conflict between the laws of the two parts of this Island has been treated at large in the preceding discourse. The following Speech was delivered in explanation of the Bill introduced into the House of Lords in September 1835, and which was suffered to stand over in order that so momentous a subject might receive the most ample consideration, both from the country at large and among the members of the legal profession. It is deeply to be regretted that the attention of the Judges who have had most experience in this department of our jurisprudence should never have been effectually directed towards its amendment. Lord Eldon's habits of doubt, and his marked disinclination to all changes in the Law, prevented him from applying the resources of his extraordinary learning and distinguished ability to the question. He only introduced, but without any remarks, a bill propounded by Lord Lauderdale, who had long directed his attention to the subject, and who is certainly, both from his great talents and the long experience which he has had of legal discussions, well entitled to be consulted as an authority upon it. But no one was so

fitted to grapple with all the difficulties of the question as Sir William Scott, whose life had been passed in the Consistorial Courts, who had, by the accident of the leading case upon the Scotch Marriage Law coming before him,* discussed the whole subject, and who, although an English Judge and deciding upon a question of Foreign law as a question of fact merely, had yet pronounced a judgment, ever since admitted to settle the Scotch Law upon its just foundations, and to end all the disputes which had previously divided Scotch lawyers themselves.

There has seldom if ever appeared in the profession of the Law any one so peculiarly endowed with all the learning and capacity which can accomplish, as well as all the graces which can embellish the judicial character, as this eminent person. Confining himself to the comparatively narrow and sequestered walks of the Consistorial tribunals, he had early been withdrawn from the contentions of the Forum, had lost the readiness with which his great natural acuteness must have furnished him, and had never acquired the habits which forensic strife is found to form —the preternatural power of suddenly producing all the mind's resources at the call of the moment, and shifting their application nimbly from point to point, as that exigency varies in its purpose or its direction. But so had he also escaped the hardness, not to say the coarseness, which is inseparable from such rough and constant use of the faculties, and which, while it sharpens their edge and their point, not

* Dalrymple v. Dalrymple.

seldom contaminates the taste, and withdraws the mind from all pure, and generous, and classical intercourse, to matters of a vulgar and a technical order. His judgment was of the highest caste; calm, firm, enlarged, penetrating, profound. His powers of reasoning were in proportion great, and still more refined than extensive, though singularly free from any thing like versatility, and liable to be easily disturbed in their application to every-day use. If the retired and almost solitary habits of the comparatively secluded walk in which he moved, had given him little relish for the strenuous and vehement warfare of rapid argumentation and the logic of unprepared debate, his vast superiority was apparent when, as from an eminence, he was called to survey the whole field of dispute, and to marshal the variegated facts, disentangle the intricate mazes, and array the conflicting reasons which were calculated to distract and suspend men's judgment. If ever the praise of being luminous could be justly bestowed upon human compositions, it was upon his Judgments, and it was the approbation constantly, and as it were peculiarly, appropriated to those wonderful exhibitions of judicial capacity.

His learning, extensive and profound in all professional matters, was by no means confined within that range. He was amply and accurately endowed with a knowledge of all history of all times; richly provided with the literary and the personal portion of historical lore; largely furnished with stores of the more curious and recondite knowledge, which judicious students of antiquity, and judicious stu-

dents only, are found to amass; and he possessed a rare facility of introducing such matters felicitously for the illustration of an argument or a topic, whether in debate or in more familiar conversation. But he was above the pedantry which disdains the gratification of a more ordinary and every-day curiosity. No one had more knowledge of the common affairs of life; and it was at all times a current observation, that the person who first saw any sight exhibited in London, be it production of nature, or of art, or of artifice (for he would condescend to see even the juggler play his tricks), was Sir William Scott—who could always steal for such relaxations an hour from settling the gravest questions that could be raised on the rights of nations, or the Ecclesiastical Law of the land. Above all, he was a person of great classical attainments, which he had pursued and, indeed, improved from the earlier years of his life, when he was a college tutor of distinguished reputation; and from hence, as well as from the natural refinement and fastidiousness of his mind, he derived the pure taste which presided over all his efforts, chastening his judicial compositions and adorning his exquisite conversation. Of diction, indeed, he was among the greatest masters, in all but its highest department of energetic declamation and fervent imagery. "Quid multa? Istum audiens equidem sic judicare soleo, quidquid aut addideris, aut mutaveris, aut detraxeris, vitiosius et deterius futurum."*

To give samples of his happy command of language

* Cic. de Orat. lib. iii.

would be an easy thing, but it would almost be to cite the bulk of his Judgments. "Having thus furnished the rule which must govern our decision," said he, in the famous case already referred to,* "the English law retires, and makes way for the Scottish, whose principles must finally dispose of the case." Quoting the words of Puffendorff (and it may be observed in passing, misquoting them for the purpose of his argument, and omitting the part which answered it), who, after stating an opinion subtilely and sophistically held by some, adds, "Tu noli sic sapere," Sir William Scott at once gave it thus, in the happiest, the most literal, and yet the most idiomatic English—"Be not you wise in such conceits as these."

To illustrate by examples his singularly refined and pungent wit in conversation, or the happy and unexpected quotations with which he embellished it, or the tersely told anecdotes with which he enlivened it, without for an instant fatiguing his audience, would be far less easy,—because it is of the nature of the refined essence in which the spirit of the best society consists, not to keep. When some sudden and somewhat violent changes of opinion were imputed to a learned Judge, who was always jocosely termed Mrs ——, "Varium et mutabile semper Femina," was Sir William Scott's remark. A celebrated physician having said, somewhat more flippantly than beseemed the gravity of his cloth, "Oh, you know, Sir William, after forty a man is always either a fool or a physician!" "Mayn't he be both, Doctor?" was the arch rejoinder,—with a most arch leer and insi-

* Dalrymple *v.* Dalrymple.

nuating voice half drawled out. "A vicar was once" (said his Lordship,* presiding at the dinner of the Admiralty Sessions), "so wearied out with his parish-clerk confining himself entirely to the 100th Psalm, that he remonstrated, and insisted upon a variety, which the man promised; but, old habit proving too strong for him, the old words were as usual given out next Sunday, 'All people that on earth do dwell.' Upon this the vicar's temper could hold out no longer, and, jutting his head over the desk, he cried, 'Damn all people that on earth do dwell!'—a very compendious form of anathema!" added the learned chief of the Spiritual Court.

This eminent personage was in his opinions extremely narrow and confined; never seeming to have advanced beyond the times "before the flood" of light which the American War and the French Revolution had let in upon the world—times when he was a tutor in Oxford, and hoped to live and die in the unbroken quiet of her bowers, enjoying their shade variegated with no glare of importunate illumination. Of every change he was the enemy; of all improvement careless and even distrustful; of the least deviation from the most beaten track suspicious; of the remotest risks an acute prognosticator as by some natural instinct; of the slightest actual danger a terror-stricken spectator. As he could imagine nothing better than the existing state of any given thing, he could see only peril and hazard in the

* Sir W. Scott was, during the latter years of his long-extended life, created a peer by the title of Lord Stowell; but it is by his former name that he is known to the profession and to the world.

search for any thing new; and with him it was quite enough, to characterise a measure as "a mere novelty," to deter him at once from entertaining it—a phrase of which Mr Speaker Abbot, with some humour, once took advantage to say, when asked by his friend what that mass of papers might be, pointing to the huge bundle of the Acts of a single session,—"Mere novelties, Sir William—mere novelties." And, in truth, all the while that this class of politicians are declaiming and alarming mankind against every attempt to improve our laws, made judiciously and safely, because upon principle, and systematically, and with circumspection, they are unhesitatingly passing by wholesale, and without any reflection at all, the most startling acts for widely affecting the laws, the institutions, and the interests of the country. It is deeply to be lamented that one endowed with such rare qualifications for working in the amendment of the Consistorial Law, should have grown old in the fetters of such a school as this. His peculiar habits of reasoning—his vast and various knowledge—his uniting with the habits of a judge, and the authority due to so distinguished a member of the Clerical Courts, all the erudition and polish of a finished scholar, and all the knowledge of the world and habits of society which are the least to be expected in such dignitaries—finally, his equal knowledge of both the English and Scotch systems—seemed to point him out as the very person at whose hands this great branch of the jurisprudence of both nations might most naturally have expected to receive its most important amendments.

# SPEECH

ON THE

# SCOTCH MARRIAGE AND DIVORCE BILL,

DELIVERED IN THE HOUSE OF LORDS,

SEPTEMBER 3, 1835.

# SPEECH.

My Lords, I have now to present the Bill of which I gave notice some months ago, to amend the laws of marriage, legitimacy, and divorce. The circumstances which I then stated have occasioned the lapse of this long interval. A cause of great importance* was pending, and, until judgment should be given in it, there was a manifest inconvenience, to say the least, in proceeding to legislate upon the subject; for, although no measure which was likely to be entertained by your Lordships could have had a retrospective operation upon the decision of that question, yet any discussion of the subject among those, in their legislative capacity, who were, in the exercise of their judicial functions, to pronounce upon the appeal I am alluding to, appeared objectionable. The delay of the judgment has not been owing either to myself, or to my noble and learned friend;* and, indeed, I do not blame any one for it, as the great importance of the subject justified the fullest deliberation. The

* Warrender v. Warrender.

case was disposed of yesterday, and I have now to present the Bill which will, if passed into a law, apply, as I think, the appropriate remedy to the evils arising from the present state of this branch of our jurisprudence. It is only to be lamented that the period of the Session renders it impossible to proceed further than reading the Bill a first time, printing it, and letting it undergo a full discussion during the vacation. My duty at present is to state shortly the principles upon which the measure is framed.

Your Lordships are well aware, generally, of the diversities which mark the English and Scotch laws relating to marriage and divorce, and of the mischievous consequences which result from those diversities. By the law of England no marriage is valid which is not solemnised according to the provisions of the Marriage Act. By the Scotch law, any parties of the legal age—that is, fourteen and twelve respectively—may contract a valid marriage by declaring their consent *per verba de presenti*, or by promising to intermarry, and then cohabiting; and such present consent, or promise with subsequent cohabitation, being proved by any evidence legally admissible to substantiate the truth of facts alleged, must be allowed by all courts as conclusive of the matrimonial contract having been completed. This state of the law has often been lamented by those who considered it as mischievous in tendency and grossly inconsistent, that the same party who, until he attains twenty-one, is incapable of affecting in any manner the most inconsiderable portion of his landed property, or binding himself in almost any way, should be suffered, by an improvident marriage hastily contracted, to incur

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* Lord Lyndhurst.

the most important of all obligations, and to bestow upon his issue by a designing, and possibly a profligate, woman, the inheritance of the highest honours and the most ample possessions. But with this question we have, at present, nothing to do. Upon the Scotch law I do not ask your Lordships to make any change. Whether or not it may be founded upon sound principles I do not at all inquire. Nor do I stop to examine the consequences which may have flowed from it, further than to observe, that a law may be adapted to one kind of society, which in another would be mischievous; while, on the other hand, the manners of a community may have become adapted to the law; so that we should not be justified in condemning the Scotch marriage-law merely because it would be wholly inapplicable to this country. The Scotch are exceedingly attached to this branch of their jurisprudence; and I am very far from proposing that it should be altered. But it is quite another thing, to permit the difference that exists in their marriage-law to open a door for the evasion of ours. Whoever holds that the English law upon this subject is right for England, and the Scotch law right for Scotland, must admit that nothing can be more absurd than permitting the one law to be made the means of committing frauds upon the other,—permitting, in truth, the provisions of the one system to make those of the other a nullity:—and even he who regards the English law as bad for England, must desire that it should be altered by the Legislature, so as to be amended for the benefit of all the people, instead of being allowed to bind only those who reside in certain parts of the country, and who cannot afford the expense of evading it. Only see how the matter at present stands. A minor cannot marry

in England without the consent of his parent or guardian, or giving what is considered sufficient notice to them, by the publication of banns; but, as this is not the law of Scotland, he has only to go there, and he can be married the instant he crosses the border. Now suppose, for argument's sake, that the English law were ever so bad, this is any thing rather than the right way of changing it; for, not to mention other obvious arguments, such evasion of its provisions can be easily made by any persons whatever who live near the border, but can only be made by persons in easy circumstances who happen to live at a distance from Scotland. I would, however, by no means be understood as doubting that the fundamental principle of the English law is a sound one, whatever may be said of the means by which that principle is carried into effect. Some control upon the improvident marriages of boys and girls, I hold to be essential to the well-being of society, at least in England. This control, which our law intends to maintain, fails in consequence of the Scotch law not giving a like control; and it fails in the very cases where it is most wanted,—in the cases where wealth and weakness on the one hand, and needy rapacity on the other, are most likely to produce the apprehended mischief.

The first branch of the measure which I have now to propose is directed to remedy this great evil. Ever since the celebrated cases of Crompton *v.* Bearcroft before the Delegates, and Ilderton *v.* Ilderton in the Common Pleas, the English courts have, contrary to Lord Mansfield's opinion, recognised the validity of marriages contracted in Scotland, by English parties going thither for a momentary residence, and with the express purpose of escaping the

provisions of the English law. This I do not propose to alter or in any way to touch; but I wish to put those who fly to Scotland with such a view, and also their parents and guardians, as nearly as may be, in the same situation in which they would have been had they remained in England. This may, I think, be best effected by requiring that they should reside for a certain time in Scotland before they can contract a valid marriage. The publication of banns takes a fortnight at the least, and I should fix upon three weeks as the time of residence, in order to afford sufficient opportunity of pursuit and search. Your Lordships will observe that this will give a better notice, in some respects, than the banns, for the flight will be at once known: whereas the banns may be published in a parish remote from the residence of the parent or guardian, and the publication may be made where so many banns are published that no one knows of it. I should set this off against the difficulty of finding the exact route which the parties have taken. So that, upon the whole, the provisions which I propose may be considered as placing the parties to a runaway marriage upon nearly the same footing on which they would be were they to remain in their own country.

The first provision of the Bill, then, is, that no marriage contracted in Scotland shall be valid either in Scotland or England, unless both parties are Scotch by birth, or are domiciled in Scotland; that is, usually reside there, or live in Scotland for three weeks next preceding the marriage; so that the law will remain precisely as it now stands with respect to all marriages really and *bonâ fide* Scotch, and will only be changed so as to prevent English parties from going to Scotland in order to commit a fraudu-

lent evasion of the English law. No Scotch person whatever will be affected by the change, nor any person, whether Scotch or not, residing in Scotland, nor even any person whether Scotch or not, residing temporarily in Scotland. They only will be affected who go thither with the purpose of violating the laws of their own country; and even to them the old Scotch law of marriage will be applicable, after a residence of three weeks.

Upon the same general principle of preserving the Scotch law as to *bonâ fide* proceedings, and only altering it so as to prevent it from being made subservient to fraudulent evasions of the English law, the second branch of the measure which I am proposing is framed. The law differs in the two countries, as your Lordships are well aware, even more widely respecting divorce than respecting marriage. With us the contract is indissoluble; by no proceeding in any of our courts can divorce *à vinculo matrimonii* be decreed; the sentences of nullity in England are merely declaratory, and proceed upon the ground that there never was a valid marriage contracted. Thus the Ecclesiastical Court pronounces that a marriage is null on account of any thing that made it unlawful for the parties to marry; but if they were lawfully married, adultery, or desertion, or any thing else supervening, is no ground whatever for dissolving the marriage; the only proceeding known to our law, in such cases, being divorce *a mensâ et thoro*, that is, separation from bed and board: hence a new law must, in each case, be made to divorce parties on the ground of adultery. In Scotland such divorces are part of the law, and are decreed by the ordinary proceedings of the courts —formerly of the Commissary or Consistorial Court,

now of the Court of Session—to which the jurisdiction has, by an excellent measure of the noble Duke's Government,* been transferred. Hence has arisen the practice of parties resorting to Scotland with a view to the dissolution of the marriage which in England they could not dissolve; like the practice of going there with a view to the celebration of marriages which in England they could not contract.

Without entering further into the argument, but only referring to the principles which I have already stated touching marriage, and which are equally applicable to divorce, I propose to frame upon those principles a provision similar to the one for preventing frauds upon the Marriage Act, in order, also, to prevent frauds upon the law of divorce. This is more necessary than even the former branch of the Bill, because there is a direct conflict between the laws of the two countries respecting divorce, which exists not between their marriage-laws. Parties going to be married in Scotland, who could not marry here without consent, contract a marriage valid in England, as well as in Scotland. Parties going to be divorced in Scotland, are recognised by the Scotch law, as single persons, and may validly marry again in that country; but in England they are held by the decisions of our courts—(not, indeed, ever yet affirmed in this House)—to be still married. There has never been a judgment of your Lordships upon the general question; nor has it ever been determined, in any court, that an English marriage having been dissolved in Scotland, and the parties contracting other marriages in Scotland, those marriages are

* Duke of Wellington.

void in England, although it was decided by all the Judges, in Lolly's case, that a subsequent marriage; in England, was void, and the party contracting it guilty of felony. The conflict between the two laws on this point, affecting, as it must, questions of legitimacy, is productive of the most serious evils; and the provision which I am now explaining to your Lordships will entirely put an end to it, without invading the Scotch law in its application to the cases of *bonâ fide* Scotch divorces. Here again, as in the case of marriage, that law may be well adapted to the manners of the people, or the manners of the people may have become adapted to the law. To our manners it would be wholly repugnant, and therefore we ought not to let the Scotch law afford the means of evading in this particular, any more than in the case of marriage, the provisions of our own.

The second branch of the Bill therefore provides that no sentence of the Scotch Court shall dissolve any marriage not contracted in Scotland, unless the husband be a Scotchman, or usually residing in Scotland; or unless both husband and wife shall have resided in Scotland for a year next preceding the commencement of the suit instituted to obtain the divorce. This alteration, like the former, will affect no Scotch person, nor any other person, whether Scotch or not, residing generally in Scotland, nor even any person, whether Scotch or not, who resides temporarily in Scotland. It will only affect those who go to Scotland with the purpose of escaping from the laws of their own country, and even they will receive the protection of the old Scotch law of divorce, after a year's residence. There may be some doubt whether or not a longer period ought to be fixed for the purpose of more effectually restrain-

ing parties from visiting Scotland in order to obtain a divorce. I incline to think, upon the whole, that a year is the proper time; for we must take care that, while we interpose obstacles to parties acquiring a temporary domicile with a fraudulent design, we do not obstruct the remedy which the Scotch law should, according to its established principles, provide in all cases of *bonâ fide* residence. As that law now stands, forty days gives a domicile sufficient to confer jurisdiction of divorce on the Court, and this period is found quite inadequate to prevent the evasion. I apprehend that a year may prove sufficient; but this may be the subject of further consideration. So may the part of the provision which extends to all marriages, those contracted as well in foreign countries as in England. I strongly incline to make the law general, but I do not state that my mind is wholly made up upon this point.

The legitimacy of children—the subject of the third branch of the measure—depends upon the validity of the marriage of their parents, or upon the relation of their birth to that marriage. As the law now stands, owing to the conflict which I have already mentioned, a child might be held legitimate in Scotland and bastard in England, if he were the issue of a marriage contracted in England by a party divorced in Scotland from the ties of a prior English marriage. This has never been decided, but the Scotch Courts have questioned Lolly's case in its application to Scotland; and they might hold the issue of such a marriage entitled to be deemed legitimate in Scotland. I do not say they would so hold, nor do I say that they would in so holding be right. But of this I am quite clear—that they would hold the issue of such a second marriage legitimate in Scot-

land, if it were contracted in Scotland; and I am equally clear that they would be in the right. Now, in England, it may be that such issue would be held bastard; because, though the question has never arisen, I rather think the opinion of lawyers inclines that way. This, however, cannot be stated as certain; the subject is full of difficulty, and the doubts in very high quarters make it impossible to say how the decision would be. On such a momentous subject as the validity of existing marriages, and the legitimacy of children, whether born or to be born, no doubt should be suffered to remain. This conflict, or this doubt, which makes a person legitimate in the one country, and bastard, or of doubtful legitimacy, in the other, is full of evil consequences; and it will be completely prevented for the future by the second branch of the Bill, as I have already explained it; for no divorce can be valid in Scotland which will not be valid in England also. But the conflict may still exist as to past divorces, and the validity of the marriage had after such divorces is still doubtful; therefore I propose, after the example of the Marriage Act of 1822, and the Marriage Act of my noble Friend* of this Session, to provide, by a clause declaratory as well as enacting, that all marriages and all divorces in Scotland, whether already had, or hereafter to be had, shall be valid also in the other dominions of the Crown.

But there is another conflict between the laws of the two countries, which remains to be provided for. By the Scotch law, marriage subsequent to the birth of a child makes it legitimate, provided the parents

* Lyndhurst.

could have intermarried prior to the birth. This principle of the civil law, as your Lordships are aware, was propounded by the Prelates to the Barons at the Parliament of Merton, and they refused to change the law of England, in the words so often quoted, — and not seldom, give me leave to say, with a view to prevent many a rational improvement. The consequence is, that the child born in England before marriage is certainly illegitimate; and it is possible that the ante-nuptial child born in Scotland may be held illegitimate in questions touching English rights. This has never been so decided generally; but in the case now under the consideration of your Lordships, by writ of error, the Judges have held, that such a child is bastard in England, when he claims a real estate; while the same child has been held legitimate in Scotland, and has taken Scotch real estates as heir to his father. I think it quite clear that such a conflict must be put an end to at once, and that all children hereafter to be born in Scotland, who shall be legitimate by the Scotch law, should be held to be so in other parts of the King's dominions. The Bill is here, as in the last portion which I have explained, made declaratory as well as enactive, the law being still doubtful on this part; and it is also made retrospective as regards children born; but I by no means think that it should be retrospective as regards pending suits; and a clause will hereafter be introduced to save these. The case before your Lordships may possibly be disposed of this Session; if not, it will, of course, be exempted, with many others which may have been commenced before the time of the Act taking effect.

It remains for me to state, that a provision of considerable importance is introduced into this measure,

with the view of facilitating the proof of Scotch marriages, and preventing doubts as to the requisite period of residence having elapsed before the contract. The sheriff of the county in which any marriage shall be contracted (he being, as your Lordships know, the judge ordinary of the district), is authorised to certify, after having duly satisfied himself, that the parties are married, and did reside in Scotland during the time required by law; and his certificate being entered by the sheriff-clerk in a book to be kept for the purpose, an office copy of such entry is made conclusive evidence of the validity of the marriage in all Courts within the dominions of the Crown. I am quite aware that, in Scotland, the state of the registry—if, indeed, there can be said to exist any registry—is such as will give a great advantage to those who have their marriages recorded by the sheriff. I am also aware of other objections to this provision, such as its enabling any persons to prove their marriage before the sheriff whether they have had only a temporary residence or not. But these and other observations which arise upon this part of the Bill, may be discussed hereafter, and they do not seem to supersede the necessity of some such provision as the one which I have just explained. It is, therefore, now inserted, and may be taken into consideration with the rest of the measure.

I earnestly solicit the attention of your Lordships to this important matter; and I trust I shall be favoured, also, with the suggestions of those out of doors who take an interest in the question, more particularly the members of the legal profession. The difficulty of the subject is not much inferior to its importance, and I can by no means feel confident that I have succeeded in finding the course which

ought to be taken with the view of obviating the evils of the existing law, and yet making the least possible change in the system of Scottish jurisprudence. The present Bill is intended to alter that system in no one particular of what may be termed its deliberate and intentional provisions, but only to prevent a door from being opened, which never could have been contemplated, for evading the enactments of the English law.

# SPEECH

ON

MOVING THE SECOND READING OF THE BILL TO AMEND

# THE POOR LAWS,

DELIVERED IN THE HOUSE OF LORDS,

JULY 21. 1834.

# SPEECH

## ON THE POOR LAWS.

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My Lords,—I approach a subject of paramount importance and of vast magnitude—and one of which the difficulty in principle, and the complexity in detail, are, at the least, on a level with its importance. And I have not now, as oftentimes has been my lot in this House, the satisfaction of knowing that the subject of this Bill has gained the same favour among the people of this country at large, as in the case of other reforms, whether political or legal, which I have propounded to your Lordships. They are, generally speaking, more indifferent to the subject than their own near interest in it, and intimate connexion with its evils, might make it both probable and desirable that they should be. I am sensible that they do not buoy up with their loud approbation those who patronize the great measure to which I am about to solicit your attention; and though they have manfully and rationally resisted all the attempts that have been made to pervert their judgments, and lead them to join in a clamour adverse to the plan, yet are they, in a great degree, indifferent to its extent, and to its interests. I am quite aware that they are not against it—nay, that the obloquy which is in store for those who support it, will proceed from but a very small portion of the community. But,

my Lords, if this proportion were reversed—if there were as much clamour against this measure as some individuals would fain excite—individuals of great ability, of much knowledge, and I will add, well-earned influence over public opinion on political matters, but more especially on ephemeral topics, or questions which arise from day to day, and as speedily sink into oblivion —individuals acting, from good motives I doubt not, from feelings wrongly excited, and taking a false direction, though in their origin not discreditable to those who cherish them—if those efforts had been as successful as they have manifestly, notoriously, and most honourably to the good sense of the people of England, failed utterly in raising almost any obloquy at all—I should have stood up in my place this day, propounded this measure, and urged in its behalf the self-same arguments which I am now about to address to the calm deliberate judgment of this House, perverted by no false feeling, biassed by no sinister views of self-interest, and interrupted by no kind of clamour from without; and I now address those arguments as I then should have done to the people out of this House, with this only difference, that the same arguments would have been urged, the same legislative provisions propounded, and the same topics addressed to a less calm, less rational, and less deliberative people, than I shall now have the satisfaction of appealing to. My Lords, I should have been unworthy of the task that has been committed to my hands, if by any deference to clamour I could have been made to swerve from the faithful discharge of this duty. The subject is infinitely too important, the subjects which it involves are far too mighty, and the duty, correlative to the importance of those interests, which the Government I belong to has to discharge, is of too lofty, too sacred a nature, to make it possible for any one who aspires to the name

of a statesman, or who has taken upon himself to counsel his Sovereign upon the arduous concerns of his realms, to let the dictates of clamour find any access to his breast, and make him sacrifice his principles to a covetousness of popular applause. I fully believe that they will best recommend themselves, as, even from the first outset, to the rational part of their reflecting fellow-countrymen, so in the end to the whole community, including such as at first may be less able to exercise their judgment calmly upon the merits of the question—they will best recommend themselves to the unanimous approval, and to the late though sure gratitude of the country at large, who shall manfully carry through, with the aid of your Lordships, a system of provisions which, in my conscience, I believe to be the most efficacious, the least objectionable in point of principle, to sin the least against any known rule of polity or of the constitution, and at the same time to afford the nearest and surest prospect of any that ever yet has been devised for terminating evils, the extent of which, at the present moment, no tongue can adequately describe, the possible extent of whose consequences not very remote, no fancy can adequately picture—evils which bad laws, worse executed—which the lawgiver, outstripped in his pernicious course by the administrators—have entailed upon this country—which, while they bid fair to leave nothing of the property of the country that can be held safe, so leave nothing in the industry of the country that can be deemed secure of its due reward—nothing in the character of the country that can claim for it a continuance of the respect which the character of the English peasant always in older times commanded, and which with the loss of that character, the multiplication of miseries, and the increase of every species of crime, has brought about a state of things in which we behold industry stripped of

its rights, and the sons of idleness, vice, and profligacy, usurping its lawful place—property no longer safer than industry—and—I will not say an agrarian law, for that implies only a division of property, but—the destruction of all property—as the issue of the system that stares us, and at no great distance, in the face; a state of things, in fine, such, that peace itself has returned without its companion plenty, and in the midst of profound external tranquillity, and the most exuberant blessings of the seasons ever showered down by Providence, the labourer rebels, disturbances prevail in districts never before visited by discontent, and every thing betokens the approach of what has been termed an agrarian war. Such is the state to which matters are now come, and such are the results of that pernicious system which you are now called upon to remedy by the great measure to a certain degree matured—at all events, much prepared—for your deliberations, by the other House of Parliament, and now tendered for your approbation.

My Lords, there is one thing of unspeakable importance, and which gives me the greatest consolation. I feel an intimate persuasion that we are now no longer involved in a political, factious, or even in the milder sense of the word, party discussion; but that we are met together as if we were members of one association, having no conflicting feelings to divide its measures, no knots of men banded one against the other, and where no private feeling will be suffered to interfere. This is an encouragement to me personally, and it argues most auspiciously for the cause. I may assume that almost all of you have a sufficient knowledge of the existing Poor Laws; many from experience of their operation, others from the exposition of them in the statute book, and others from having refreshed their recollection by the very able report of the Commission-

ers; I may, therefore, take for granted that it would be wholly superfluous to enter into any description of the mechanism of the present system. But I should wish, before I state the kind of mischief that the maladministration of the poor law has produced, shortly to glance at what is material,—not as a matter of curiosity merely, but as enabling us more clearly to trace the origin of the mischief,—I mean the origin of the Poor law itself, and the steps by which its administration has become so pernicious.

It is certainly not quite correct to say, as has frequently been asserted, that these laws grew out of the destruction of the Monastic orders, and the seizure of their property by Henry VIII.; but it is still more incorrect to deny that there was any connection whatever between the two events; for undoubtedly, though the passing of the 43d of Elizabeth followed the seizure of Monastery lands, by an interval of above sixty years, yet it is equally true that it was not twenty years after the abolition of those Monasteries that the first poor law, the earliest compulsory provision for the poor, was enacted; being the 5th of Elizabeth. When I make this observation, I must add another connected with it, and remind your Lordships of an argument used against the Church Establishment, and the tithes system, as connected with the Poor Laws. It is said that, according to the original division of tithes, one-fourth belonged to the bishop, one-fourth to the parson, one-fourth to the repair of the church, and the remaining one-fourth to the poor. That is a mistake which Selden and others have fallen into, from not having examined with care the provisions of the Saxon law, according to which it was a tripartite, and not a quadripartite division;—one-third going to the fabric of the Church, one-third to the parson, and one-third to the poor. I grant that this was

the original distribution of the tithe, and I also admit that in much later times, as far down as the 15th of Richard II., this right of the poor was recognised by Parliament; for in that year an act passed which in terms admitted the right of the poor to sustenation out of this fund. I admit, too, that still later, in the reign of Elizabeth, the Judges of the land recognised the same right, and that other cases are to be found decidedly in favour of this principle, one of the Judges of that day quaintly observing, that it is the business of the parson, *Pascere gregem, verbo, exemplo, cibo.* Indeed, your Lordships will find both the Courts and Parliament, as late as the reign of George III., recognising the claims of the poor against the parson, grounded upon the same principle. It is, however, past all doubt that a provision for the poor out of the tithe never was distinctly and practically established as their right, beyond their claims to receive charity at the hands of the parson, or other owner of the property; and it is equally past all doubt that they are most superficial reasoners on the subject, who maintain that the restoration to the poor of their share in the tithe, would, if it were possible, at once settle the question, and extinguish the miseries entailed by the Poor Laws. For most certain it is, that anything more mischievous, anything more fatal to the country, anything more calculated to multiply, indefinitely, the numbers of the poor, cannot be conceived than the applying to them any regular and fixed provision, be it tithe or be it tax, which they can claim at the hands of the rich, except by the force of that duty of imperfect obligation—private charity, which is imposed upon all men. Every permanent fund set apart for their support, from whomsoever proceeding, and by whomsoever administered, must needs multiply the evils it is destined to remedy. This right to share in a fixed fund is the grand mis-

chief of the Poor Laws, with the seeds of which they were originally pregnant, though certainly many years elapsed after the principal statute—that of the 43d of Elizabeth—was made, before any great amount of positive evil can be said to have rendered itself perceptible in the community at large. As long as it was supposed that the law attached only to the impotent, to those who came within the description of old age, worn-out faculties, in body and mind, or persons disabled by any accidental cause, and not to able-bodied persons—so long, it must be admitted that, if the law was not an advantage, at all events it proved to be no detriment whatever. But by the construction not unnaturally put upon these unfortunate words in the Act, requiring the overseer "to take order for setting the poor to work" —a construction which, at the same time, conveyed to the pauper the right of calling into action this power, in other words, of compelling the parish "to find work for the pauper, and if work could not be found, to feed him," all self-reliance, all provident habits, all independent feelings, were at an end; and consequences the most pernicious speedily followed to the community, as well as to the poor themselves—consequences more pernicious, I will venture to say, than ever flowed from the enactment or from the construction of any other human law. I blame not those who imposed this construction. It is, for anything I know, a sound one; the clause must have some meaning, and this seems very likely to be the true one; for if the pauper is clothed with a right to have work found him, as the overseer cannot create work, it seems to follow that he must feed those whom he cannot employ. But, pernicious as these inevitable consequences were, worse were sure to follow in the shape of new laws, grounded on the same principle, and developing more noxiously its evil effects. Accordingly, in the year 1796, that Act was passed

which gave the poor—those that were called the industrious poor—a right, by law, to be supported out of the parish rates, at their own dwellings, and to receive that support, although the parish should have actually contracted and paid for their maintenance in a workhouse hired and established according to the provisions of the Act, for their reception in the day of their distress.

My Lords, it has been usual to blame the magistrates of the country for the mal-administration of these laws. I am not one of those who ever have been able to perceive the justice of this charge. I have never felt that we had any right to hold them peculiarly responsible, or, indeed, in the midst of universal error, to tell who were answerable for the mischief we all acknowledged to exist. The worst that can be said of those respectable persons, to whom the country is so greatly indebted, and of whose services I should speak more at large if I had not the honour of addressing an assembly almost wholly composed of magistrates, is, that in bringing forth by the administration of the Poor Laws, the grievous mischiefs inherent originally in the system, they were not before the age they lived in; that they were not wiser than all who had gone before them, and all who lived around them, and, indeed, all who, for one or two generations, have come after them. This is the only charge that can be justly made against them. It would be condemning them for a want of more than human sagacity, were we to charge them with the consequences of their conduct, pursuing, as they did, the opinions of the most learned jurists and most experienced statesmen, while occupied with the details of the system which they were engaged in working. The truth is, that in all they did, magistrates have had the countenance of the first authorities in the country; they have had the entire approval and even concurrence of the Legislature to support them; they

have had the decisions of the Judges to back, and even to guide them. As often as questions have been raised relative to the administration of these laws, the Courts have never, in any one instance, applied themselves to lessen the mischief, by narrowing the liberal construction which the magistrates had put upon the statutes, but have uniformly decided, so as to give them yet larger scope. That they have erred, then, in such company as the legislative and judicial powers of the country, is to be regarded with neither wonder nor blame. But the magistrates have had equal countenance from the names of eminent individuals, some of them the most distinguished that this land can boast of, and who, upon the question of relief to the poor, have entertained projects more liberal, nay, I will say more extravagant—more absolutely wild, than any that the most liberal magistrates of this country ever contemplated. What think you, my Lords, I will not say of Mr Gilbert's Act, but of the measure proposed in 1795 by Mr Pitt—a man thoroughly versed in all the details of the subject, and well acquainted, as might have been supposed, with the best practical policy to be pursued regarding it? What marvel is it to find country Justices holding that the poor man has a right to be made comfortable in his own dwelling, when Mr Pitt introduced a bill (happily it did not pass into a law) for legalizing the allowance system, that greatest bane of the administration of the Poor Laws, and for sanctioning the principle that every poor man has a right to be made comfortable in his own dwelling—himself and his family, and to be furnished "with a cow, or a pig, or some other animal yielding profit" (I cite the words of the Act) to be provided in proportion to the number of his children? Assuredly the author of this famous project was not much more in advance of his age than the Justices of the Peace. Such principles as

Mr Pitt thus plainly held on the subject, have been the cause of the ruin we now all deplore. Surely if ever there was a doctrine more frantic in principle than another, or less likely to prove safe in its appliances, it must be this,—that in defiance of the ordinary law of nature, the human lawgiver should decree, that all poor men have a right to live comfortably, assuming to himself the power of making every one happy, at all times—in seasons of general weal or woe, and proclaiming with the solemnity of a statute, "Henceforth let human misery cease, and every man, woman, and child, be at ease in the kingdom of England, and dominion of Wales, and town of Berwick-upon-Tweed." But it is fair to Mr Pitt to recollect that these absurd doctrines were not entertained by him alone—he shared them with many of his contemporaries.

Secure, however, from these errors, let us now see what the true principle was all the while, and whether or not the Poor Laws, as at present administered, sin against that principle or obey it. First of all, I am aware that I may be charged with stating an identical proposition when I state to your Lordships the fundamental rule which ought to regulate both the Legislature and those whom it intrusts with the administration of the poor laws, namely, that men should be paid according to the work they do—that men should be employed and paid according to the demand for their labour, and its value to the employer—that they who toil should not live worse than those who are idle, and that the mere idler should not run away with that portion which the industrious workman has earned. All this appears about as self-evident as if a man were to say two and two make four, and not fourteen. Nevertheless this is the very principle—identical as it is—truism, idle truism, as it may well be called—useless and superfluous as the uttering of it may seem to be,

this obvious principle—this self-evident proposition—is that very principle against which the whole administration of the Poor Laws at present sins,—constantly, wilfully, deliberately sins. At every instant, by day and by night, during bad weather and during good, in famine and in plenty, in peace and in war, is this principle outraged, advisedly, systematically, unremittingly outraged, without change, or the shadow of turning. But it is said that although no man has a right to food which he does not earn, and though the idler has no right to make his neighbour work for him, still there are times when the rule must bend to necessity, and that persons in sickness or in old age, or in impotence of body or mind, must be supported, lest they perish before our face. And this leads me to the subject of charity, intimately connected with the Poor Laws; for that the support of the sick, the aged, and the impotent, should be left to private charity, is, in the view of many, the sounder opinion. I incline to think that it is the safer course—that it is better for him who receives—blessing him more, and also him who gives. But into this question I need not now enter, for it is not necessarily involved in the present argument; and I do not object to compulsory provision in such cases as I have mentioned, so it be subject to proper regulation, in order to prevent the abuses it is much exposed to. But I must observe, even upon the subject of individual charity,—charity not administered by the State, or through the hands of parish-officers,—that I hold this doctrine undeniably true. That species of charity is the least safe which affords a constant fund, known by the community to exist for charitable purposes. As long as the existence of such a fund is notorious, whether raised by the compulsory provisions of the law, or owing its origin and support to the warmth of men's charitable feelings, its existence leads, of necessity, to

two consequences, pernicious to all parties, to the giver as well as the receiver, to the State as well as to individuals. First, it can hardly avoid being abused from the kindly feelings of those who administer it (and this applies to a parish fund still more strictly, for it is more liable to abuse). The private manager cannot trust his own feelings—the overseer cannot trust his own feelings. Out of this infirmity of our nature, abuses are quite certain to arise. The second consequence is this, and I regard it as the worse evil—if the fund is known to exist, however it be constituted, whether by voluntary or by compulsory subscription, the poor immediately calculate upon it, and become less provident, forsaking every habit of frugality, taking no care to provide against the ordinary calamities of life, or the inevitable infirmities of old age. They no longer strive for the means of maintaining their children, but heedlessly, recklessly, count upon that fund, out of which, whether in sickness or in health, in youth or in age, in impotence or in vigour, they know that they may claim the means of support; and, setting the pains of labour against those of a scanty sustenance, they prefer idleness and a bare subsistence to plenty earned by toil. Hence men's minds become habituated to the fatal disconnexion of livelihood and labour, and ceasing to rely upon their own honest industry for support, their minds become debased as their habits are degraded. Were I not afraid of troubling your Lordships with a discourse wearing too much of a didactic air, I could easily prove that this is the practical result of the too extensive and unreflecting distribution of charity.

I will, however, trouble your Lordships with one remark upon this matter. I am well aware that I am speaking on the unpopular side of the subject; but it is, nevertheless, necessary that the truth should be told.

The safest, and perhaps the only perfect charity, is an hospital for accidents or violent diseases, because no man is secure against such calamities—no man can calculate upon, or provide against them; and we may always be sure that the existence of such an hospital will in no way tend to increase the number of patients. Next to this, perhaps, a dispensary is the safest; but I pause upon that if I regard the rigour of the principle, because a dispensary may be liable to abuse, and because, strictly speaking, sickness is a thing which a provident man should look forward to, and provide against, as part of the ordinary ills of life; still I do not go to the rigorous extent of objecting to dispensaries. But when I come to hospitals for old age,—as old age is before all men,—as every man is every day approaching nearer to that goal,—all prudent men of independent spirit will, in the vigour of their days, lay by sufficient to maintain them when age shall end their labour. Hospitals, therefore, for the support of old men and women, may, strictly speaking, be regarded as injurious in their effects upon the community. Nevertheless, their evil tendency may be counterbalanced by the good they do.

But the next species of charity to which I shall refer, is one which sins grievously against all sound principle—I mean hospitals for children, whether endowed by the public, or by the charity of individuals. These, with the exception of orphan hospitals, are mere evils; and the worst of all is a foundling hospital. To shew how much we have improved in these matters—how much better informed we have become—how much more enlightened—how much less apt to be carried away by feelings, amiable in themselves, but in their effects mischievous, unless regulated by knowledge and wisdom, I need only mention that what once was reckoned the great ornament of this city—the Foundling Hospital

in Guilford Street—is no longer a foundling hospital at all; having, by the rules in force for the last sixty or seventy years, never received one single foundling, properly so called, within its walls. The same improvement was effected by my Right Honourable Friend, the President of the Board of Control,* with respect to the Foundling Hospital in Dublin, when he filled the office of Secretary for Ireland. Any hospital for the reception of foundlings is the worst of charities: it is no charity—it is a public nuisance, and ought to be stripped of the title of charity, and put down as an outrage on public morals. So all now allow; but fifty years ago no man would have dared to say so. Can we doubt that in much less than half a century more, all those other principles now made the butt of low ignorant abuse, will be the admitted guide and belief of every member of the community?

If such as I have stated be the rules which public safety prescribes for regulating even voluntary charities, only see how the Poor Laws of this country violate rules a thousand times more applicable to the raising and dispensing of a compulsory provision! They have succeeded in wholly disconnecting the ideas of labour and its reward in the minds of the people—they have encouraged the idle and the profligate, at the expense of the honest and industrious—they have destroyed the independence of the peasant, and made him the creature of a pernicious and forced charity—they have given him the degradation of a beggar, without the consolation with which benevolence soothes the lot of mendicity. Parish allowance is far worse than any dole of private charity, because it is more likely to be abused—because it is more certain in its nature—because it is better known, more established—because it

* Mr Charles Grant (now Lord Glenelg).

approaches in the mind of the poor, to the idea of a right. This terrible system has led, amongst other evil consequences, to the Act of 1796, which provided for the relief of the poor in their own houses, and was, in fact, the introduction of the allowance scheme—a scheme which provided for the partial payment of wages out of the Poor Rates, and which, in its operation, has been productive of all the worst mischiefs that might have been expected from such a source. The allowance system had its rise in the scarcity of 1795, and was more widely spread by the subsequent scarcity of 1800 and 1801, since which, in many parts of the kingdom, it has been permanently adopted.

For a compulsory provision to support the poor who are able-bodied, but cannot find, or are not very anxious to find employment, I have known only two excuses ever attempted, and to these it may be fit that I should now very shortly advert. The first is one which I remember hearing strenuously urged by one or two very worthy friends of mine, Members of the House of Commons. They maintained that the system kept up the character of the labourers, prevented their becoming the mere beggars of alms, and enabled them to receive their allowance with the erect port and manly aspect of those who felt they were claiming their due under the law. Never, surely, was there a greater delusion. The system has ended in the destruction of all independent character in the English peasant. It is true that he comes to demand his allowance with an erect port, but it is not the bearing of independence; his habits, his feelings, the whole bent of his mind, the whole current of his thoughts are changed. It was deemed aforetime a shame such as no man could bear, to be dependent upon parochial aid—the name of "pauper" coming next, in the estimation of the peasant, to that of "felon." It is so no longer—no longer is it thought a scandal

upon the labourer to claim relief from the parish—no longer does it inflict a pang upon his mind to darken the overseer's door. No doubt he comes with a firm gait, with a manly air; but rather let us say, he comes with a sturdy gait and a masterful air. He presumes to domineer over the honest and hard-working rate-payer, and the servant of the rate-payer—the overseer—whom he insults and tramples upon. Secure in the protection of the law, he demands his allowance not as a man, but as a master; his tone is imperative, for he knows he must be obeyed. Such a system deadens all sense of shame—all sense of real dignity; erases from the mind every feeling of honourable independence, and fits its victims only for acts of outrage or of fraud.

Let us pass, then, to the second topic of defence, and I speak of this argument with great respect, because it proceeds from persons who are the advocates of pure and strict principles in political science, and who are accustomed to carry them to an extravagant excess, sometimes straining them till they crack. These learned persons argue (if I so may speak), that the Poor Laws afford the only means we have of effectually checking or preventing an increase of population. They say, that whilst there is no possibility of preventing by law improvident marriages amongst the poor (and I admit there is none), the Poor Laws furnish a preventive check. But are those respectable persons really so short-sighted as not to perceive that whatever little check the Poor Laws in one view may interpose, is immeasurably counterbalanced by their affording the greatest stimulus to population which the wit of man could devise—the most wilful and direct encouragement that possibly could have been discovered to improvident marriages? I verily think that the history of human errors can produce no parallel to the mistake into which these learned and ingenious persons have fallen. If

you had to seek out the most efficacious means of removing every prudential check to population—nay, if you wished to accelerate its march by a wilful, I might almost say a wicked encouragement to heedless and imprudent marriages, and by a premium for numbers of children—you could not devise any more perfect than are afforded by the Poor Laws, as administered in this country. What is the language they speak to the peasant?—"Here is a fund at your command—you have only to marry—only to get children—and here is a fund for the support of yourselves and your children, to be doled out in proportion to their numbers." The answer of the peasant is in the same language,—"I am a prior mortgagee on the land, and will marry tomorrow, instead of waiting till I have the means of supporting a family."

These excuses for the system and the mal-administration of the existing Poor Laws being disposed of, let us now proceed to see what have been the actual results. And upon this part of the subject I shall have to call your Lordships' attention to a most meritorious body of men—the Commissioners—and to the result of their invaluable labours—the collection of a mass of evidence, the largest, the most comprehensive, the most important, and the most interesting, that perhaps was ever collected upon any subject. But before I go to that part of the subject—before quitting the subject of population—may I step aside for one moment, and do justice to a most learned, a most able, a most virtuous individual, whose name has been mixed up with more unwitting deception, and also with more wilful misrepresentation, than that of any man of science in this Protestant country, and in these liberal and enlightened times. When I mention talent, learning, humanity—the strongest sense of public duty, the most amiable feelings in private life, the tenderest and most humane

disposition which ever man was adorned with—when I speak of one the ornament of the society in which he moves, the delight of his own family, and not less the admiration of those men of letters and of science amongst whom he shines the first and brightest—when I speak of one of the most enlightened, learned, and pious ministers whom the Church of England ever numbered amongst her sons—I am sure every one will apprehend that I cannot but refer to Mr Malthus. The character of this estimable man has been foully slandered by some who had the excuse of ignorance, and by others, I fear, without any such palliative, and simply for having made one of the greatest additions to political philosophy which has been effected since that branch of learning has been worthy of the name of a science.

But I was about to call your Lordships' attention to the practical working of the system, for the purpose of ascertaining how it is hurtful, and what direction its mischief takes. There has been, in my opinion, no more important event in the recent history of this country than the issuing of the Poor Law Commission. I certainly was one of those who at first thought that the documents already possessed, and especially the evidence which had been collected by both Houses of Parliament, afforded a sufficient body of facts on which to proceed. Upon a closer examination, however, of the various Reports that had been made, and knowing, from experience, how much it is the practice of those who are examined before Committees to propound some favourite theory of their own, and give only such results of their observation and experience as support their views—knowing too how impossible it must be for a Committee to compare the working of different plans by actual observation upon the spot—I acquiesced in the propriety of issuing a Commission, and the

result amply justifies the measure; for I will venture to say, that there is no man who has read these Reports who can refuse to admit, that all he before knew of the subject in its details, was as nothing in the comparison.

It does not become me to occupy your Lordships in bestowing praises upon the ability and zeal with which the Commissioners have performed their important office. Their Report is before you. I believe that no better individuals could be selected for the discharge of those important duties than the persons first named in the Commission—the two Right Reverend Prelates whose absence on this occasion—occasioned by their necessary attendance to their episcopal duties—I have so much reason to lament. Another Commissioner was Mr Sturges Bourne, than whom no person can be pointed out more conversant with the subject. His knowledge, too, is practical—not theoretical; he has applied his well-informed mind to the consideration of the whole question—was the author of the only legislative measures which have ever professed to find a remedy for the evil—while, beside his talents and learning, for calmness of temper, and for sagacity, and soundness of judgment, he was, perhaps, better adapted than almost any other person to join this Commission. When I add to these the names of Mr Senior, —a man of profound learning and great capacity,— and Mr Coulson, Mr Bishop, and Mr Chadwick, the other able individuals who formed the Board, your Lordships will feel with me, that from the labours of a body of men so composed, the most satisfactory results might surely be expected. Most of them I before knew, but Mr Chadwick I never had seen, nor have I now more than once or twice; but I confess I have risen from the perusal of his papers—admirable in all respects for excellence of composition, strength of reasoning, soundness of judgment, and all that indicates

the possession of every species of talent,—I say I have risen from the perusal with a degree of admiration that I find it difficult either to suppress or to describe. Such are the men who have well and truly performed the duties imposed upon them. Their Reports, large in bulk, but larger still in comprehensive reach of understanding and information—interesting in the narrative, but painful—almost excruciating in the tale they tell —no man can read without entertaining the sanguine hope, that for ills so enormous the remedy may at length be within our power. I think, however, I shall render a more acceptable service to your Lordships, if, instead of entering into a minute statement of these sad details, I confine myself to a general outline of the facts; presenting to you, if I can, a graphic sketch of the malady that exists, and pointing to the quarter from which you may expect a cure.

First, then, we have a constant, and I may say almost a regular proof, in every part of the country, in districts agricultural, manufacturing, and even commercial, and whether the people are superabundant or scarce, increasing, stationary, or diminishing in numbers, that able-bodied men prefer a small sum in idleness to a larger sum in wages, attended with the condition of earning those wages by labour. We have in one place a young man saying, "I have 3s. 6d. a-week from the parish,—I do not work,—I have no need to labour; I would rather have my 3s. 6d. without working, than toil to get 10s. or 12s. a-week." This is not a singular instance. But are these persons only idle? Are they really doing nothing? Do they receive 3s. 6d. and remain inactive? Do they work no mischief? My Lords, it is idle in me to put such questions. These persons are making the parish pay 3s. 6d. a-week, out of the honest labourer's hard earnings, to maintain the constant promoters of crime, the greatest

workers of mischief in the country; men who, when they happen not to be the ringleaders, are the ready accomplices and followers in every depredation, every outrage that is perpetrated in their neighbourhood. But those facts are not confined to agricultural districts, or to inland places, and to lazy rustics. Look to the hardy sailor, who never used to know what danger was—look to the very boatmen of the Kentish coast—they who formerly would rush to a wreck without looking to the waves any more than to the reward—who would encounter the most appalling perils to save a life, with as much alacrity as they would dance round a May-pole or run a cargo of smuggled goods, in the midst of tempest or in the teeth of the preventive service—those men who, if you had ever said, in former times, "Surely you do not mean to launch your boat at this tempestuous time of year?" would answer by instinct, "Time of year!—we take no count of seasons—by our boats we live: from the sea, in winter as in summer, we must seek our sustenance; fair weather or foul, our vessels must be afloat, else how could we keep our families from the parish?" No such answer will you get now. The same spirit of honest and daring independence inflames them no more. "We have 12s. a-week from the parish," say the Kentish sailors; "we will go out no longer in winter—we will wait for summer and fair weather—we will live at home the while, for the parish fund provides us." Comment upon such facts is superfluous. But the same classes now assume that they who live upon the parish have a right not only to work as little as the independent labourer, but not to work so hard. They have in many places distinctly set up this claim; and in one or two instances appeals have actually been made by the paupers against the overseers, upon the ground that the latter had attempted, as they say, "a

thing till then unknown in these parishes, to make the paupers work the same number of hours in the day as the independent labourers, who receive no parochial assistance." These are things which almost force incredulity; but when we see them proved by evidence which admits of no doubt, belief is extorted from us.

The next general fact which presents itself to our view is, that as those persons claim a right to work less than they who receive no parish relief, so they are generally better off, and, in many instances, much better off, than the independent labourer. The disproportion, in some parts of the country, and especially in the county of Sussex and the Isle of Wight, has gone so far, that a pauper working only for a limited number of hours in the day, earns 16s. a-week of the parish money, whilst the honest labourer, who has struggled to keep himself independent of the parish, has not been enabled, by his utmost exertion, to earn, by any possible means, more than 12s. a-week. And in one parish it appears that two hundred and forty paupers, who were paid exactly the same wages as independent labourers, were dissatisfied because they were required to work the same number of hours, and grumbled because they were not paid more. Nay, they did not confine themselves to grumbling—they struck work, sought the overseer, and almost by force obtained an increase of wages; that is to say, they compelled the parish to give them more than the ordinary amount of wages paid to independent workmen. Then it is needless to say that the parish pauper regards himself independent of fair weather or foul, of bad health or good, of the full harvest or scanty crop, of all the calamities to which the rest of mankind are subject. Again: all shame of begging is utterly banished—the pauper glories in his dependence—if, indeed, he does not consider the land as his own, and its nominal pro-

prietor as his steward. Nay, instances are to be found of the shame being, by a marvellous perversion of feeling, turned the other way; and the solitary exception to the rule of parish relief under which a whole hamlet lived, "being shamed," as a female said, "out of her singularity, and forced by her neighbours to take the dole like themselves!" But, for all this, I do not blame the pauper; I blame the bad law and its worse administration, which have made him a worthless member of society. The law of nature says, that a man shall support his child—that the child shall support his aged and infirm parent—and that near relations shall succour one another in distress. But our law speaks another language, saying to the parent, "Take no trouble of providing for your child,"—to the child, "Undertake not the load of supporting your parent,—throw away none of your money on your unfortunate brother or sister,—all these duties the public will take on itself." It is, in truth, one of the most painful and disgusting features of this law, that it has so far altered the nature of men. It is now a common thing to hear the father say, "If you allow me only so many shillings a-week for children, I will drive them from my doors, and deny them the shelter of my roof;" and it is not unusual to hear the child say, "If you do not allow my aged mother more, I shall take her out of my house, and lay her in the street, or at the overseer's door." I state this from the text of the evidence, and, horrible as it appears, I cannot refuse it my belief. My Lords, those who framed the statute of Elizabeth were not adepts in political science,—they were not acquainted with the true principle of population,—they could not foresee that a Malthus would arise to enlighten mankind upon that important, but as yet ill understood, branch of science,—they knew not the true principle upon which to frame a preven-

tive check, or favour the prudential check to the unlimited increase of the people. To all that, they were blind; but this I give them credit for,—this they had the sagacity to foresee,—that they were laying the foundation of a system of wretchedness and vice for the poor,—of a system which would entail upon them the habitual breach of the first and most sacred law of nature, while it hardened the heart against the tenderest sympathies, and eradicated every humane feeling from the human bosom;—and therefore the same statute of Elizabeth which first said that labour and the reward of labour should be separated,—the same statute which enacted a law contrary to the dispensation of Providence and to the order of nature,—foreseeing that the consequence would be to estrange the natural feelings of the parent for his child, and of the child for his parent, for the first time in the history of human legislation, deemed it necessary to declare, by a positive enactment, that a child should be compelled, by the statute in such case made and provided, to obey the dictates of the most powerful feelings of nature,—to follow the commands of the law implanted in every breast by the hand of God, and to support his aged and infirm parent!

If we survey the consequences of all this, not only upon the poor, but upon the landed proprietors of the country, and upon the property of the country itself, we find that they are to the full as melancholy as any other of the countless mischiefs flowing from the maladministration of the Poor Laws. I will not say that many farms have been actually abandoned,—I will not say that many parishes have been wholly given up to waste for want of occupants (I know there are instances of farms here and there, and of one parish, I think in the county of Bucks, which has been reduced to this state), but I will not say that as yet the system has so

worked as to lay waste any considerable portion of territory. That it has a direct and a necessary tendency to do so—that unless its progress be arrested, it must go on till it gain that point—that ere long we must reach the brink of the precipice towards which we are hurrying with accelerated rapidity—that the circumstance of one parish being thrown out of cultivation, inevitably and immediately tends to lay three or four others waste, and that this devastation, gathering strength as it proceeds, must needs cover the land—of these facts no man, who consults the body of evidence before your Lordships, can entertain the shadow of a doubt. Stand where we are we cannot. I might say, with others whose minds are filled with despair and the dread of coming events, that I could be content never to have things better, so I were assured that they would never be worse; but this—even this wretched compromise is impossible, with the frightful scourge that is ravaging our country. The question is,—shall we retrace our steps, or shall we push forward, and down the steep we stand on, by the *momentum* of this weight we have laid upon ourselves? That such is our position, —that such is the course we are pursuing,—that such is the gulf towards which we are hastening,—no man living, gifted with an ordinary measure of sagacity, can deny. This, then, is the picture of our situation, harsh in its outline, dismal in its colouring, in every feature sad, and awful to behold. This is the aspect of affairs, menacing the peace of society, undermining the safety of dominion, and assailing the security of property, which the system, as now administered, exhibits to the eye. In this it is that the schemes of man, as short-sighted as presumptuous, have ended, when he sought to reverse the primal curse, under which he eats his bread in sorrow and the sweat of his brow. Our Poor Law said, The sweat shall trickle down that brow no

more ; but the residue of the curse it has not reversed —for in sorrow he shall eat it still. The dispensation of wrath, which appointed toil for the penalty of transgression, was tempered with the mercy which shed countless blessings upon industry—industry that sweetens the coarsest morsel, and softens the hardest pillow ; but not under the Poor Law ! Look to that volume, and you will find the pauper tormented with the worst ills of wealth—listless and unsettled—wearing away the hours, restless and half-awake, and sleepless all the night that closes his slumbering day—needy, yet pampered—ill-fed, yet irritable and nervous. Oh ! monstrous progeny of this unnatural system, which has matured, in the squalid recesses of the workhouse, the worst ills that haunt the palace, and made the pauper the victim of those imaginary maladies which render wealthy idleness less happy than laborious poverty ! Industry, the safeguard against impure desires—the true preventive of crimes ; but not under the Poor Law ! Look at that volume, the record of Idleness, and her sister Guilt, which now stalk over the land. Look at the calendar, which they have filled to overflowing, notwithstanding the improvement of our jurisprudence, and the progress of education. Industry, the corner-stone of property, which gives it all its value, and makes it the cement of society ; but not under the Poor Law ! For it is deprived of its rights and its reward, finds its place usurped by indolence, and sees wrong and violence wear the garb, and urging the claims of right ; so that all property is shaken to pieces, and the times are fast approaching when it shall be no more ! In this devastation but one exception remains, in those seats of industry, where the miracles of labour and of skill have established the great triumph of the arts, and shed unnumbered blessings on all around ; those arts, whose lineage is high—for they are the off-

spring of science, whose progeny is flourishing—for they are the parents of wealth. They have, indeed, stayed for a season in the districts which they nourish and adorn, the progress of the overwhelming mischief: but long even they cannot arrest its devastation, and this last pillar cannot long remain, after all the rest of the edifice has been swept away! They cannot stay the wide-wasting ruin; but we can, and we must. It behoves us to make a stand before one common ruin involves all, and tread back our steps, that we may escape the destruction which is on the wing, and hovering around our door.

Let me then ask your Lordships' attention for a moment, while I trace more particularly the cause of the mischiefs of which we have now been contemplating the gloomy picture. I shall say nothing at present of repealing the Poor Law itself. I shall, for the present, assume that the Statute of Elizabeth cannot now be dealt with. I shall take it to be fixed irrevocably as the law of the land, and I will proceed upon the supposition that it is impossible now to reduce things again to the state in which they were previous, I will not say to the 43d, but to the 5th, of Elizabeth. Desirable as it may be to place the system on a better footing, and difficult as it is not to wish for some radical change which may prevent a recurrence of the calamities we are suffering under, I yet feel that this is most difficult to effect, because it is the evil of all bad laws worse administered, that we must continue to bear them, on account of the danger which may spring from their sudden repeal. Much, however, may be done with the administration of the system, and to this it is that practical wisdom directs us to apply the remedy. The separate and opposite jurisdictions of different magistrates, overseers, and benches of justices, the want of system and unity in practice, lie at the root of the evil:

and the Report teems with instances of the mischiefs which have flowed from this source. When you look at a district in which a better system of administration has been adopted, and contrast it with one, perhaps in the very next parish, where the bad course has been pursued, you would hardly think that you were looking at two parts of the same county, or even of the same island, so different are the effects. In the one a total change of system has been effected—the rates have speedily come down, at first to one-half, and afterwards to one-third—paupers disappear, and industry regains its just place; while, upon crossing a brook, you find in the other parish a swarm of sturdy beggars depriving the honest labourer of his hire, and the rental crumbling down daily and hourly into the poor's box—always filled, and always empty. Then, how comes it to pass, that, with the example before their eyes, the authorities in the latter parish persevere in their course? The good effects of a rigid abstinence in administering relief, have been strongly exemplified in Scotland, and yet that experience has been quite thrown away upon England. In Scotland, down to a recent period, doubts were entertained by lawyers, as to whether or not there existed any right of compulsory assessment for the poor. It is now agreed that the right exists; and the English and Scotch laws are admitted to rest generally upon the same foundation. The administration of them, however, has been widely different in the two countries. The Scotch, a careful and provident people, always watchful and fearful of consequences, kept an exceedingly close hand upon the managers of the poor's fund, and did every thing in their power to ward off the necessity of assessments—reserving so perilous a resort for times of emergency, such as in the extraordinary scarcity of the years 1795 and 1800. This was the most rational plan that could be pursued, for it

prevented the introduction of regular and habitual relief, and the setting apart of a constant fund for maintaining the poor. In some instances it has been acted upon in England, but in very few, comparatively; for there has been no unity of action, no general control; and the neighbourhood of Scotland and the success of the right practice there, have produced no considerable amendment of our vicious system. Hence I infer the necessity of a central, rigorous, and uniform plan of administration. And here I would step aside for one instant to illustrate this observation by a fact. It is generally said, "How can you do better, or act more safely, than by leaving to the parties interested the administration of their own affairs?" Generally speaking, I am willing to adopt that principle, and to proceed upon it: I believe the principle to be most sound; and, moreover, I am disposed to think that its application tends exceedingly to promote good government, and to prevent the evils of a meddling, petty, overdoing legislation. Nevertheless, experience certainly does shew that it is not universally applicable; or rather, that it is not applicable to places where the concerns of a number of persons are managed by a majority of their body, and not each man's by himself; for when a certain leaven of men gets into an assembly, all of whom have a voice in the management of the common concerns, it very often happens that a combination takes place, arising from sinister and interested views; and that this junto, by its activity and intrigues, baffles the general disposition to consult the common interest, and sets it at nought. I happen to know an instance of this, and I will mention it to your Lordships, by way of illustration; it was given in evidence before the famous Education Committee of the other House, sixteen years ago. In two of the parishes of this city, there were several great charities supported without

endowment, by voluntary subscription. Mr Baron Bailey, himself a large contributor to these, as he is to all benevolent institutions, proposed to establish a rule, that no tradesman on the Committee of Management, should be employed in supplying the institutions in question, because it was justly apprehended by the learned Judge, that where such persons were interested, there would be no very rigorous inquiry into the necessity of making the purchases, and no very strict audit of the accounts. Nevertheless, the proposition, though tending to save the funds, and therefore required by the pecuniary interests of the body who raised those funds, was rejected by a great majority of the Committee, who were themselves contributors. They said that they had always been in the habit of employing one another to supply the institution, and that they were determined to continue the practice. The custom of another charity in the same neighbourhood was apparently better—but really just the same. There, a bye-law was in force, that no man should be employed as a tradesman to the charity while he was upon the managing committee. But this check was defeated by having a double set of tradesmen, who belonged to the committee in alternate years, and were employed each in his turn as he went out of office. I believe a proposal was made to correct this gross abuse; but, like the suggestion of Mr Baron Bailey, it was rejected by the subscribers, to save whose money it was brought forward.

Here, then, we find men in the disbursement of their own funds, and in pursuit of their own objects, determined to suffer, with their eyes open, abuses which daily defraud them, and persisting in a course which makes it unavoidable that their pockets should be picked before their eyes. But do not facts like these demonstrate how long a vicious system may continue

in any vestry or managing committee against the interests of the general body, if it contributes to the advantage of a few? Does it not also shew how much longer a bad system may prevail in any vestry or parish, where the individuals most interested have not the same control as in a voluntary association, and how easily the most flagrant abuses may continue to receive protection from those they injure, before men's eyes are opened—ay, and after they have been opened? Because I am not now speaking of a few ignorant farmers, who, by the bye, have not by any means so strong an interest in the matter as the landlords; but of more enlightened persons, and of bodies less open to abuse than the authorities of country parishes. Surely the inhabitants of a remote hamlet are much more likely to keep their eyes shut upon such subjects than the inhabitants of St George's, Bloomsbury, and St George's, Hanover Square. Therefore, the evils of a scattered and varying and uncertain administration of these laws, it behoves Parliament above all things, and before all things, to correct, with a view to establishing authorities able well and wisely to overlook the relief of the poor and the expenditure it occasions. For this object the present Bill proposes to provide—precisely upon the views to which I have shewn that experience guides us. The main principle of the measure is this—to leave the law, generally speaking, as it stands at present, but to tread back our steps as far as we can towards a due administration of it; and having once brought things nearer to their position in some particular parishes where the experiment has been tried, and salutary improvements effected, and to their state generally in Scotland, then to take such steps in reference to the law itself as shall prevent a recurrence of the same abuses. I have now to entreat your Lordships' attention to the course taken in constructing the

measure before you; but I wish, in the outset of my remarks, to take notice of an objection to our measure —an objection, however, which has been more heard out of doors than within the walls of Parliament. I allude to the outcry set up against the Report, as a thing framed by theorists and visionaries, and to sum up all in one word of vituperation, by political economists; that is the grand term of reproach. As if only theorists and visionaries could be students and professors of the despised science of political economy! Why, my Lords, some of the most eminent practical men in this country—individuals the most celebrated, not as rash and dreaming speculators, but as sober statesmen —leaders of Opposition—ministers and heads of Cabinets—men whose names as they were, when living, the designations of the parties into which the whole country was marshalled, have passed after death into epithets synonymous with practical wisdom, among their followers—it is among these men that I should look, if I were called upon to point out the greatest cultivators of political economy that have flourished in my own day. Is it necessary for me to remind you that Adam Smith—another name which excites a sneer, but only among the grovelling and the ignorant—that the name of that eminent economist was first made generally known through his intimacy with Mr Pitt, and by Mr Pitt referring in Parliament to the high authority of his immortal work? Mr Pitt was distinguished by his study of political economy, though his policy did not always proceed upon its soundest principles, and when he would have applied them, his attempts were not always attended with success. Such, at least, is my opinion now, speaking after the event, and with the cheap and easy wisdom which experience affords, yet always speaking with respect for that eminent man's science and talents, which no one, how rude or ignorant

soever, will be found bold enough to question. I think he committed mistakes—perhaps in his situation I might have fallen into the same errors; but was Mr Pitt a dreamer?—was Mr Pitt a visionary? Was Mr Canning, who also professed and practised the science of political economy, a philosophist, a mere speculator, or a fantastical builder of ideal systems? My Lords, I have heard many persons object to Mr Canning's policy; I did so myself at one period, though I afterwards co-operated with him when his views were liberal and sound; but neither at the one period of his political life, nor at the other, do I recollect ever hearing any body bold or foolish enough to designate that eminent man as a visionary or a theorist. Then we had Mr Huskisson—he, too, a political economist, and indeed profoundly conversant with the science; but I suppose he was no practical man,—I suppose he knew nothing of the financial—nothing of the commercial relations of this country—nothing of the distribution of its wealth—nothing of the bearings of its mercantile laws and fiscal regulations upon her trade and manufactures. I verily think, that if I were to search all England over, and to ransack the whole volumes of our annals at any period for the name of a practical statesman,—one who habitually discarded theory for practice,—one who looked to every theory with suspicion, and adopted only those doctrines which were grounded upon the most incontestable results of experience—a pilot, who, in guiding the vessel of the State, proceeded with the lead-line ever in his hand, and ever sounding as he sailed—who never suffered her to stir until he knew the depth, the bottom, a-head and all around, and left no current, tide, or breeze out of his account;—if I were to name one man whom I have known or heard of, or whom history has recorded, and to whom this description is most eminently appli-

cable, Mr Huskisson is the name I should at once pronounce. To swell the catalogue with other bright and noble instances, would be much more easy than useful. Thus I might add Mr Henry Thornton, an author of high fame, whose works were among the first that enlightened us on the subject of currency, and fixed the principles that govern this branch of science. But Mr Henry Thornton was a banker; and an intelligent, skilful, prosperous banker. And it is these great men —great as philosophers, but better known as men of business—the Pitts, the Cannings, the Huskissons, the Thorntons, who, with Dr Smith and after his example, entered themselves in the school of the Economists,—they it is whom I am fated to hear derided as visionaries and schemers. But I have unawares named the science which was cultivated by Quesnai, Turgot, and other illustrious French philosophers, and have thus exposed it to a different attack, from ignorance yet more gross than that which denied authority to the names of the English statesmen I have mentioned. I have referred to the French economists, and I know full well that they have been derided as republicans—very little to my astonishment, prepared as I am by experience to see the effects of ignorance—for ignorance has no bounds. Unhappily science has its limits, and they are not hard to reach; but ignorance is endless, unconfined, inexhaustible,—ever new in invention, though all its productions are wretched and worthless,—always surprising you, though mingling pity and contempt with wonderment: and never is it more daring in its inroads upon our credulity—never is it more strange in the antic feats it performs—never more curious in the fantastic tricks it plays, than when its gambols are performed in the persons of men dressed in a little brief authority, or who would fain be so attired, and who really are decked habitually in presumption that

almost passes belief. Why, my Lords, every body who knows any thing of the French Economists, knows full well that they flourished under an absolute despotism, —that they were the great friends and the firm supporters of absolute monarchy,—that they abhorred liberty, and abhorred republicanism,—and that one of their errors, in my opinion the most fatal they could commit, was holding the doctrine that what they called *despotisme legal*, in other words, an absolute monarchy, was the best form of government: accompanying their doctrine however, with this reservation, "if you have a good king at the head of it;" as if the sole use of all restraints upon power was not founded on the risk of having bad rulers; as if the absence of control did not, while man is man, ensure a succession of bad monarchs. But I only mention this to shew, that whatever charges the French economists may be justly exposed to, assuredly love of a republic, or even of rational liberty, is not of the number. Such is the presumption of that abject ignorance which would give certain men, and the science they explore, a bad name, not even knowing the true sense of the words it takes upon itself to use. Far, then, from being with me an objection, that these invaluable dissertations and statements of fact have been prepared by political philosophers—that all this mass of useful evidence has been collected by them, and that many propositions have been made by them, some of which, and only some, are adopted as the ground-work of the present measure,—I derive confidence from the reflection that it is so—that we have been helped by political economists, men who have devoted themselves to the study of that useful and practical science, and with them I cheerfully expose myself, and not only with them, but with all the illustrious names of men now no more, and all the other illustrious men that happily still remain, and whom, for that very reason,

I have forborne to mention, to the charge of being a speculator, and a visionary, and a theorist. I will not deny, however, that if I had perceived in these highly-gifted persons, the tendency, sometimes abused in men of science, to ground their opinions on mere reasoning, uncorrected by experience, and to frame systems with a view to fair symmetry, rather than to the facts now before us, I should then have exercised my judgment and said, "Those proposals, how daintily and ingeniously soever they be prepared, I reject." My Lords, we have picked our way slowly and carefully through facts and documents; we have rejected somewhere about one half of the suggestions that have been made, a portion of that half being precisely the part most important in the eyes of the men from whom they have proceeded: we thought that, in a practical point of view, it was better to postpone them at all events for the present: but I beg leave distinctly to state, that hereafter, when time shall have been allowed for inquiry and consideration, and when this measure shall have paved the way for the reception of ulterior projects, they will, should experience warrant their adoption, receive my assent.

Let us next consider for one moment what is likely to be the best way of reforming the administration of the Poor Laws, by retracing the steps that have led us to the present state of things. I think I may lay it down as clearly following from what I have stated, that there is one main point, the necessity of arriving at which cannot be denied—I mean securing such a degree of unity of action in the authorities invested with the parochial superintendence, as can be obtained only by the establishment of one central power. In the second place, I think it follows that the persons in whom this control shall be vested, must be armed with very ample discretionary power. Next, it seems clear that

these ought not to be political persons, if I may so speak,—that they should be Members of neither House of Parliament,—men belonging to no party,—men unconnected (politically speaking) with the administration of public affairs, and unmixed with the contests of the State. If I should be consulted in the choice of the individuals, I will only say,—" Shew me a person (and I think I know that person) whose opinions on party matters differ most widely from my own, and if he be a man of firm mind, of extensive experience as to the working of the Poor Laws, of conciliatory manners, of sound discretion,—if he be a man whom I can trust for his temper (one of the prime requisites in such a work), and that man I prefer before any of those with whom I most agree in politics;—nay more, if I saw two persons sufficiently gifted, but of opposite political opinions, I would name one of each party, in order the better to gain the confidence of the public,—to shew the country that in the appointments, there is no favour,—that, in the selection, the only consideration has been qualifications and deserts. I have said that extensive and effective reform in the administration of these laws can only be accomplished by intrusting large discretionary powers to the Commissioners. Of this no doubt can exist; and a very slight attention to the subject will convince you of it. The bad practices have taken such root, and spread so widely, that a strong hand alone can extirpate them. But it must be not only strong—it must be ever ready; in other words, all must be left to the discretion of the men intrusted; for if each time a step should be taken, either going too far, or going in the wrong direction, or stopping short of the proper point and not going far enough, you had to wait until Parliament was assembled, and a Bill brought in to change the plan, and a new Act passed, it is needless to remind you that for months

the whole of the machinery must stand still. As any individual, on such a subject, will be exposed to err, so may Parliament, in any measure of detail it can frame —ay, and fall into serious errors too. Good God! who shall say that the wisdom of all the lawgivers in the world may not lead them into error, upon matters which for nearly three centuries have baffled the wisest of men in every nation? You have delegated to the Judges powers of altering from day to day the rules of pleading and of practice, merely because you distrusted your own foresight, and did not arrogate to yourselves the power of being beforehand as wise as experience could make you. Again, one part of the country may require one mode of treatment, another may require the application of different remedies; agricultural districts will stand in need of a very different treatment from that which must be employed with commercial and manufacturing places; nay, the circumstances of one agricultural parish may be so entirely different from those of another, even of one in its immediate vicinity, as to render the same course of management inapplicable to both. The point we are desirous of reaching, it is true, is one and the same for all; the state of things we would bring all back to is the same; but the road to be taken towards this point is necessarily different in different places, for each may have deviated from the right path by a different route, and by a different route must be brought back. One uniform inflexible rule, prescribed by statute, can therefore never be applied to these various cases; and hence the operation must be performed by a discretionary power lodged somewhere, that the hand which works may feel its way, and vary its course according to the facilities or obstructions it may encounter; nay, an arbitrary discretion, to use a word which has been employed, invidiously, towards the measure, and arbitrary,

to a certain extent, it must be; because it must be both ample and unconfined, in order that the rules for its exercise may not paralyze its movements.

My Lords, I am perfectly aware that such powers as these may be designated as unconstitutional. I am aware that at any rate they are in one sense novel to a certain extent; but their being wholly novel and altogether without precedent, I utterly deny. They are novel, as vested in one Board, but they are far from being novel in themselves. I could take the first fifty local Poor Acts to be found in the Index to the Statutes, and engage to shew you that every one of those Acts contains stronger, more drastic, more rigorous, more arbitrary, and therefore less constitutional powers, than any that will be given by this Bill to the Central Board. And by whom are the powers which these local Acts confer to be exercised, and in what circumstances, and under what superintendence and control? Those powers are given to the very men of all others the most likely to abuse them—men self-elected, unknown, of no weight, and of narrow mind; those powers are to be exercised in a corner—in the dark—not in the face of the country—with no one to watch, to revise, to control—they are to be wielded beyond the reach of the Legislature, by persons not removable by the Crown, accountable to no Secretary of State, overlooked and checked by no King in Council, as this Central Board will be—and exercised by men far too small to be perceptible by the public eye, therefore far removed from any influence of public opinion. My Lords, can you hesitate one moment, when you have conferred so much larger and more dangerous powers upon irresponsible bodies, to vest the powers of this Bill in such a Board, acting upon the responsibility of known and eminent men, and fenced round about with

the triple guard of the Crown, the Parliament, and the country at large?

My Lords, I have now stated the principles upon which we are led to frame this great measure. I have shewn, from the direction the evil has taken, and the manner of its operation, how we are led to these four conclusions—the necessity of a Central Board—the necessity of its separation from the strife of political affairs—the necessity of vesting in it powers both large and discretionary—and the necessity of its exercising those powers under the inspection of the Legislature, and the control of the Executive Government. These principles, deduced from the facts, and dictated by our sad experience of the necessity, form the ground-work of the system. That the control of the Crown may be more constant and effectual, the Commissioners are to be removable at pleasure; they are to report all orders to the Secretary of State; and those orders are to have no effect for forty days after this communication, during which period an Order in Council may annul them.

I entreat such of your Lordships as question the safety of such ample power as the Board must have, to consider how strict a control is thus established over its proceedings; add to this the watchful superintendence of both Houses of Parliament, and then reflect upon the constant control of public opinion, and I confidently say, that the requisite powers may be safely and prudently intrusted to the new Board. But still it is said that they are unconstitutional—still it is said that they are as novel as unwelcome to the country. My Lords, if this be a great step—if this be an extraordinary enactment—if this be an unheard-of measure which we are now discussing;—supposing I admit it all—I ask, are not the times in which we live, in this respect, of an extraordinary aspect? Is the state of

things in which we are called upon to legislate one that has often or that has ever existed before? Is not the evil we are pressed down by unheard of? Is the existing condition of our peasantry and our landowners not a novelty and a portentous novelty—the growth of very late times, yet daily increasing, and swelling out its hideous form? Many Bills, with more unconstitutional clauses, have I seen during the last thirty years, where Boards have been constituted of irresponsible men—men endowed with great powers, to be exercised in the dark. But I have never yet seen times like these in which I now bring forward this Bill. We live in times, indeed, very different from those that are past, when a Report is presented to us, founded upon the concurrent testimony of magistrates, country gentlemen, clergymen, farmers, labourers, and parish officers—of manufacturers and tradesmen—of men of science and men of no science at all—of men of practical knowledge, and men of theoretical principles—of the dwellers in towns, and the inhabitants of the country—of those who have been constantly in vestries—of those who have been all their lives occupied in the administration of the Poor Laws, as magistrates, as barristers, or as judges. Talk of unheard-of measures, and of unprecedented discretionary powers, in a case like this, when you have all this hitherto unheard-of—this altogether unprecedented, consentaneous, and uncontradicted testimony, borne by every different kind of witnesses in every class and walk of life, and sanctioned by every variety of talent and argument that can be found in all kinds of minds, corroborated by all those whose weight of judgment makes them the best authorities upon the principles, and whose experience makes them the most competent witnesses of the facts! I say, my Lords, you not only may, but you must listen to these recommendations, when you have the best judges in the

matters of opinion—and the best witnesses to the matter of fact—all in one voice representing to you a state of things which has made industry and idleness, honesty and knavery, change places; and which exposes the property of the community, and with its property, every law, every institution, every valuable possession, every precious right, to the ravages of that remorseless pestilence, before whose strides you, the guardians of the social happiness of those who live under your protection, have beheld the peasantry of England abased to a pitch which I am at once afflicted and ashamed to contemplate—which I shudder to describe—and which I could not bear to think of, did I not know that the same hand which lays it bare to your eyes, and makes its naked deformity horrible in your sight, will be enabled, by your assistance, to apply to the foul disease a safe, an effectual remedy; restoring to industry its due reward, and visiting idleness with its appropriate punishment; reinstating property in security, and lifting up once more—God be praised!—the character of that noble English peasantry to the proud eminence, where, but for the Poor Laws, it would still have shone untarnished,—the admiration of mankind, and the glory of the country which boasts it as its brightest ornament!

My Lords, there are other alterations of the system,—many and important alterations—introduced by this Bill; but exhausted as your patience must be, and fatigued as I am myself, I shall not think of entering into them, except generally and briefly. Out of the Poor Law of Queen Elizabeth,—which gave every man a title to claim relief from some parish or other,—arose the law of Settlement. My earnest hope is, that by the alteration which this Bill will produce in the state of the country, we shall find that, in another half century,—or it may be at a much earlier period,—the

country will be in such a state as to enable us to make still further improvements than those which are now contemplated in the case of settlement. This applies particularly to one branch of the subject—namely, birth-settlement—a point which the Bill avoids and makes no change in. My Lords, I own that I could have wished to make some alteration in this respect; but I have great hopes that the improved administration of those laws will enable us to introduce some amendments with regard to it. I know that, if they were propounded at present, it would be said to be taking a step of too extensive a nature without due reflection and preparation. The proposition of making the place of birth the place of settlement, has been considered and rejected by the House of Commons after full examination. I own that I am disposed to think that birth-settlement would be a great improvement, or rather a settlement by residence, which is in all respects better. Still I am aware that objections may be urged against both, and more especially a settlement by birth alone; but I shall be perfectly willing to discuss it in committee, although, for the reasons I have already stated, I do not think it would be desirable to make the alteration at the present time. One great defect of the existing law upon this subject—that of derivative settlement by parentage—is, that a man may become chargeable himself, and may make others chargeable, upon a parish which has no control whatever over his proceedings. Thus stands the case:—Suppose I am a Westmoreland pauper—as I certainly very soon may be if the present system continues—then suppose I go and live in Northamptonshire, but that I do not gain a settlement there,—suppose I make an improvident marriage, and have as many children as, in the course of nature, would fall to the lot of a man at any time of life; I have, it may be, ten or twelve

children; that is supposing I were eighteen. Well, suppose—as is very often the case in such instances—that the wife had peculiar claims upon me before marriage, I might be compelled by the overseers to contract a marriage with her. This, be it recollected, is in Northamptonshire. Now, those churchwardens in Northamptonshire who can procure and almost compel the marriage, and those landlords in Northamptonshire who refuse to let me a L.10 tenement, and those farmers in Northamptonshire who refuse me a hiring by the year, but allow me to have a family in one of their smallest cottages, have the power to suffer or to forbid me gaining a settlement, but have no interest in my not gaining one among them; indeed, they have rather a direct interest the other way,—they have a direct inducement to increase the number of paupers, who are to burden the rates of the Westmoreland parish, while the Westmoreland parish, which has the interest in preventing my having a family in a Northamptonshire cottage, has no power whatever to impede that event. If, on the contrary, the place of settlement were the place of birth, all this contradiction and anomaly would cease; for if my children gained a settlement in Northamptonshire as soon as they were born, the overseers would not be so very anxious for my contracting a marriage, nor would the landlords have such an interest in letting me have a cottage. By the present law, however, these inducements to commit what is a great injustice certainly exist.

But let us next consider the settlement by hiring and service, which is struck out by the Bill. I think this settlement is almost universally exploded, whether by theorists or by practical men, and it is denounced in this measure as utterly bad, and tending directly against every principle which it would be most desirable to establish for our guide.

One of the first consequences of the law which gives every person a settlement in the parish in which he is hired and serves by the year, is a perpetual attempt to evade the law, which, from its tendency to weaken the general respect that ought to be felt for any legislative enactment, is in itself an evil of no small magnitude; for no lawgiver should wish to put his subjects in a constant attempt to evade any of his commands. The statute of Elizabeth gives a settlement to every one who is hired and serves by the year; but it gives no settlement to one who is hired for 360 days instead of 365. This is a gross evasion of the act, and yet it is one which takes place from one end of the year to the other, from one end of the island to the other. What is the consequence of the evasion? That great chicanery and much trickery exist. The next consequence is, that hostility and distrust arise between master and man, the man attempting to gain a settlement, the master endeavouring to fend him off; and thus it happens that they are no longer on the friendly footing, in the confidential and kindly habits on which master and man ought to be placed, and on which they stood previous to the years 1794 and 1795. This evasion of the law of settlement began to be generally practised, I think, at the commencement of the French war, and it gradually led to the discontinuance of that laudable custom of boarding farm-servants in the house —a custom which was attended with the very best results, both to the moral character of the labourers, and to the comforts of the whole farm. They were on the kindest terms with the master; they formed part of the same family; the master was more like the head of a patriarchal family, and the labourers were like his children; they were treated as such; they dined at the same table, and slept under the same roof; and they worked together in the same field. I have frequently

seen them in these habits; I have partaken of their fare, and better no one could desire to have set before him, whose appetites were unpampered and unvitiated. The whole household lived more comfortably, because better cheer could be afforded where so many were entertained together. There was a certain degree of domestic control; there was the parental superintendence exercised by the master over the men, and there was the moral sanction of the matron of the family over her maids. The master was the friend and counsellor of the men; the dame of the women. If one of either sex was about to contract an improvident marriage, their advice would be interposed. Although they never heard of the prudential check, nor knew any thing of political economists even by name, yet, as the doctrines of those philosophers are only the dictates of prudence and common honesty, the farmer and his good wife would set before the young folks the imprudence and dishonesty of a man contracting a marriage before he could maintain a wife and children; she would tell him that which Mr Malthus is so much abused for saying at all, "Who would ever buy more horses than he can afford to pay for, or afford to keep? Then why should you marry when you have scarcely the means of supporting yourself, for the mere purpose of bringing into the world a number of miserable wretches for whom you have no bread?" I will venture to say, that in those happier times, bastardy was not one-twentieth part so common as it is now. Of late years, all this has been sadly changed; farm servants are hired for eleven months and a half; they are then turned out of the house lest they should obtain a settlement, and the consequence is, that they spend half the time before they are hired again at the alehouse, to which they never thought of going before, except on a merry-making day, once in several months. The con-

sequence of this has been, that the habits of the servants have become more dissolute from constant change of place, and that an unfortunate stimulus has been given to the progress of population by the labourers living in cottages. The effect of this interval of a fortnight or three weeks, during which the servants are necessarily out of all places, and running about to fairs and markets, has been fatal to their habits and morals. I can state this, my Lords, from my own experience and observation; I have also heard from others numerous instances in which men have become idle and dissolute by being turned out in this way. But if the system is bad for the men, it is a great deal worse for the female servants; for what is to become of a poor girl with a father and mother fifty miles off, who has nothing to do, and nowhere to go to but to run about from one market to another? My Lords, it is quite in vain to doubt, that, during that fortnight, she has every chance of losing her character, and of becoming a very different person from what she was before. For these reasons it is that I exceedingly rejoice in the provision of the Bill which abolishes this settlement by hiring altogether. The abolition of the settlement by apprenticeship is also a salutary provision, but it is not so important as getting rid of the settlement by hiring. It is an improvement certainly, because the present law gives rise to much litigation; but I do not set any great store by it. All the other modes of acquiring a settlement remain as they are, with the exception of that arising from the hiring of a L.10 tenement, upon which an additional check is imposed, by requiring the payment of taxes during a year. Such, my Lords, are the changes which have been made in the law of settlement, and which, for the reasons I have shortly stated, appear to be well recommended.

The only remaining part of the subject, to which I have to call your Lordships' attention, is the change

which has been made in the Bastardy Laws. I confess that I think this a bold measure; but, at the same time, I consider it a great and unquestionable improvement. The law, as it now stands, throws it upon the man to avoid the offence, and not upon the woman; it leaves the woman with little or no inducement (so far as the law is concerned) to preserve her chastity, and it relies wholly on the effect of burdens cast on the men, as if it looked to them alone for avoiding the offence. I must, however, go a step further. I am afraid that the present law raises up a motive in the breast of the woman rather to yield than to resist. I much fear it cooperates with the frailty of the sex; I fear that the seducer of the woman—the man who is laying siege to her virtue—who has always one ally in the garrison ready to beat a parley—her own passions—finds another ally provided for him by the law, and ready to counsel a surrender—that ally is—not her passions, but her reason—her calculation of interest. From the provisions of the law comes the suggestion—"The law is in my favour; if the worst comes to the worst, I can make him marry me—I will hold that over his head—I am doing that which I know to be wrong in itself, but I am doing that which I do not think will be wrong if marriage follows." Thus thoughts are engendered in the breast, still more dangerous to female virtue than all that the passions can excite, and all that speculations of interest can add to the force of the passions. At the critical moment, when those passions are strong, and themselves ready to overpower the judgment, the law first brings over the reason itself to their side, making it her interest to yield, and then furnishes a soporific to lull the conscience, by engendering a mistaken feeling of perverted morality, and enabling her to look forward to the period when marriage shall cover her fault. She pursues her calculations—she gratifies

her passions—she is induced by false notions of virtue and honour to hear the voice of her seducer—no wonder that the citadel is surrendered.

This, my Lords, is the operation of the present bastardy laws. I will describe this conflict of passion and calculation, and interest and honour, against female virtue, no further. It is, indeed, unnecessary to dwell longer upon the subject, when I remind your Lordships, that the change now propounded is formed on precisely the same principles on which you legislate every day for the upper classes of society, in the cases of conjugal infidelity that come before you. How often have we heard it argued, that the husband and the wife should be put upon a par,—that the wife should have the same right to divorce the husband, as the husband now has to divorce the wife,—and that the Scottish and the Civil law should be introduced into this country for the better protection of female happiness and female honour! "No," your Lordships have always answered; and I have always answered with you, "No; we will trust the keeping of a woman's virtue to herself; to her we will apply the threats which may deter from crime; to her apply the dissuasives which may prevent her guilt. If she is afraid to yield, if you make it her interest not to yield, the seducer may beat at the door in vain: his object will be frustrated; yours, and what should be hers, will be gained." Let this principle be applied to the law of bastardy—let the woman be deprived of the advantage which she possesses at present—let the disadvantage be placed on her side—let the man have less chance of seducing her from the paths of virtue—let her be deprived of an interest in her own undoing and a palliative to her feelings if undone—and you will effect a great, and a most desirable improvement in the morals and the happiness of the poor.

But, my Lords, I have now gone through all the points of this great and important measure, which ap-

peared to me to call for explanation. I have detained you, I am afraid, at much too great length, certainly at much greater length than I intended when I rose to speak. I can safely say, in conclusion, that if I have intruded unreasonably on your time, it has not been occasioned by the attractions which any part of this painful and thorny subject presents: it has not been from any delight I have felt in the contemplation of scenes creditable to no party, neither to our ancestors who made the laws, nor to their sons who executed them, nor to succeeding generations of lawgivers, who have, instead of attempting to improve them, done all they could to make bad worse. It has been owing to no gratification which I have experienced in dwelling upon events, and in looking on scenes, revolting to me as an Englishman and a man. It has been from a conscientious sense of public duty that I have unfolded to you a picture as dark and repulsive, as it is but too faithfully pourtrayed. This sense of duty alone has subdued those feelings which originally alienated me from the task, and made me feel more relieved than I ever felt before in my life, when my noble friend lately at the head of his Majesty's Government, declared his intention of bringing this important and difficult subject before you. My Lords, I have borne a part in this great question since I first entered the other House of Parliament—having, in the years 1817 and 1818 especially, originated what measures I could towards the reformation of the Poor Laws—having, in 1831, the instant I became a member of the present Administration, turned my mind to this great question, from which I was diverted only by a measure of overwhelming interest, and absorbing all other considerations—I mean the Reform Bill. In 1832, the Commission issued under the Great Seal, which, of course, prevented my continuing my efforts until its Reports had been received, and which necessarily rendered it im-

possible to bring the question under the view of Parliament at any earlier period. My Lords, these are the circumstances which connected me with this mighty question; and prescribed to me the duty of rendering my feeble assistance towards bringing it before your Lordships. My mind acquits me, I can assure you, of any sinister motive in taking the part I am now taking; it acquits me, above all, of any desire to court either for me or for mine, or for those with whom I am nearly and dearly connected in office, any portion of popular feeling.

My Lords, it is consolatory to reflect that we have no obloquy to apprehend from any considerable portion of the community. We have only to incur the hazard of misconception in some quarters, of misrepresentation in others, of false direction of right feelings, and of exaggerated views of things little understood, or it may be of malignity worse than ignorance. My Lords, we have set before ourselves no possibility of any advantage as a Government, or as a party, except the inestimable satisfaction of coming before our country, and challenging from all parties in the State that respect which is due to Ministers who manfully take their own course, who look neither to the right hand, nor to the left; who discharge what they feel to be their duty, regardless alike of whom they may irritate or whom they may alarm; and who hold up in their hands the result of their best efforts to serve the community, that has hitherto cordially and affectionately, and I may almost say unanimously, placed implicit confidence in them: resolved at all hazards to shew this great and honest people, that at all times, and on all subjects, they will consult only its best interests and its real welfare, hoping for no other reward than an approving conscience, and the judicious verdict of the enlightened, the rational, and the honest part of mankind. I move your Lordships, that this Bill be now read a second time.

# SPEECH

ON

# THE POOR LAWS,

DELIVERED IN THE HOUSE OF LORDS,

MARCH 20. 1838.

# SPEECH

## ON THE POOR LAWS.

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I REALLY should not have risen thus early to address your Lordships upon the present important occasion, but should have left the task of following the noble Earl* either to her Majesty's Government,—on whom, as general superintendents of the affairs of the country, and intrusted also with the execution of the new Poor Law, it would properly have devolved,—or to my noble and much-esteemed friend on the cross bench,† who has, from the very first, so honourably to himself and so usefully to his country, devoted a large share of his valuable time, his anxious attention, and his active interference, to the superintendence of the Poor Law, and to the details of its working. Or I should have been contented to leave—I hope I may be suffered to say this without offering the slightest disrespect to my noble friend*—I should have been contented to leave, perhaps, my noble friend's speech unanswered,—leaving it to itself, as it were;—sensible as I am that he has made no kind of case against the measure, nor brought any specific charge against those intrusted with its execution, nor produced any thing in the shape of facts, or even of accusation, or of so much as specific assertion,

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* Earl Stanhope.

† Duke of Richmond.

to be put to rest, or which might have called for an answer, or required an explanation; but that I had, a few nights back, pledged myself to answer a Right Reverend Prelate's more specific charges, and even my noble friend's* more specific statements on former occasions. For, if he will forgive me for saying so, the method which he from time to time has observed, has evinced a prudent and skilful selection of time and opportunities; that is to say, entering into details when men were not prepared to meet him—not prepared to enter into specific matters of charge, on the presentation of petitions,—or on some other interlocutory occasion; but when men have come down on a specific notice of motion, and were prepared to meet, to repel, or to explain, then, my noble friend—wrapping himself up in generalities, shrouding himself in mere vagueness, giving nothing tangible for an adversary to lay hold of—stated no single fact, made no one charge, which it was possible to meet and repel. I did, on a former occasion, think it right to observe that that was not the time for grappling with the charges made against the Bill, or against those to whom its working was intrusted; but I pledged myself when the time came for discussing it, that I should be able to satisfy your Lordships that all those charges were groundless; that all those stories admitted, if not of instant refutation, at least of satisfactory explanation; and that as the measure stood at first defensible upon the soundest principles—devised in the purest spirit of the constitution—framed in a deep regard for popular rights—conceived in the kindest spirit, not towards the landowners—whose estates are holden by those titles to which my noble friend has referred, and of which, in passing, let me just say, he used, unconsciously per-

* Earl Stanhope.

haps, but most accurately, the phrase, "the title-deeds by which your Lordships claim to hold your estates;" for, under the old system of the Poor Laws, it would have been a claim, but a claim very soon severed from the possession—but it was not in a spirit of kindness towards the holders of those estates, either in this House or in the other House of Parliament, or towards the aristocracy, or any other rank in society possessing property, that this measure was conceived; it was—and I can speak it with confidence, for I know it from my own accurate recollection of the fact—conceived in a spirit, and in that spirit alone, of the kindliest sympathy and fellow-feeling for the distresses of the poor themselves.

My Lords, what was the history of that measure? Ever since I entered upon public life I had been one of those—(far wiser and better men in every way—men of far more influence in Parliament and in the country)—who lamented the state of gross ignorance in which the poor and working classes of this land had so long been held. We had endeavoured to improve them in many important respects; we had attempted, by planting schools, by improving the modes of instruction, and by various other means, to bring education—useful, moral, and religious—within their reach, and so improve, in that great particular, the lot of the labouring classes; but we found all our efforts vain—we found every attempt to better their condition worse than useless—we found it even doubted by many, who were, nevertheless, as warm friends of the poorer classes as ourselves, whether more harm than good was not done to the morals and comforts of the people by all the efforts we thus were making to mend their lot. We were met at every turn by the Poor Law; we were met by the deplorably corrupting effects of the abominable system which had grown

up—I will not say (for I wish to avoid all debateable or controvertible matter)—I will not say, therefore, which had unavoidably grown up under the 43d of Elizabeth, the last of several acts passed in consequence of the destruction of the monasteries,—I will say nothing of the original inherent faults of that Act, or its essential liability to abuse from the provisions which it contained,—I will not say one word as to the impossibility of that law continuing to work in the progress of society, or of its provisions being ill adapted to the rapid extension of wealth, and the increase of population,—I will not speak of the necessity, under the changes incident to the natural progress of society, of the possessors of wealth becoming the prey, and the poor themselves the victims, of the abuses of that original act of Elizabeth. All this I pass by; it is controvertible matter; it is debateable ground,—and I avoid it. All I maintain is, that a system of abuse had taken the place of the original system; that this original system, were it once as pure as if angels had devised it, had become tainted, and was, from beginning to end, a scheme debasing to one class of society, and hardening the hearts as well as injuring the comforts, of the rest. Such was the system under the old law; and to the consequences of that system our attention was necessarily directed. I joined with those who, in the years 1817 and 1818, soon after the Education Committee first sat in the other House of Parliament, anxiously turned their attention to the defects and to the administration of the Poor Laws. Attempts were made to inquire into and illustrate the working of the system, with a view to ascertain what might be done towards the removing all of its abuses, retaining what was good in it, and eradicating what was evil. The Committees made some valuable Reports to both Houses, containing very important infor-

mation, especially one in 1829; but it was not until the beginning of the year 1832 that a proposition for inquiry, founded on the previously collected information, was acceded to—a proposition framed solely, and assented to solely, with this view, so help me, God! I cannot be mistaken; the impression is deep, it is everlasting in my mind—with the view, and with the view only, of benefiting the poor themselves. With this view we agreed to that inquiry; with this view to guide us, that inquiry we prosecuted; with this view still for our guide, we framed the provisions of the new Act; relying upon the tendency of that Act, and still influenced and only influenced by this view, we carried the measure through Parliament.

If, then, we have failed; if, instead of benefiting the poor, it has become their oppression; if it has been a measure to grind their faces, as we now hear it described—a measure to inflict misery upon them, to almost all but throw them into rebellion against us—if they are so incomparably worse off now than under the old system, the predecessor of our measure—I admit, fully and frankly, that mighty indeed has been our failure; for we have failed, utterly failed, in attaining the very object which our legislative and administrative labours had in contemplation! But, my Lords, I am not conscious of our having failed, when I know that all the honest, virtuous, industrious poor,—all who have the courage to rely on their own exertions, and the honesty to live by the sweat of their own, and not of their poor neighbour's brow, are the fast friends of the system,—I am not to be driven from the hopes I originally entertained: first, because of the confidence I feel in knowing that we have not failed; and next, because of the most sanguine expectations I entertain that our success, already great, will become gradually greater, and the

more consolatory from the difficulties we have had to encounter. I am not to have that expectation forced from me merely by big words, whether used in petitions, or in county and other popular meetings, or in speeches in your Lordships' House; or by large expressions of extensive application, and epithets not always very respectfully, or very felicitously, or very curiously selected, any more than they were very sparingly or economically applied. I am not, by all the excitement of vituperation, or by all the terror of declamatory periods, to be told,—and merely because told, and told without any proof whatever, or pretence of proof, to believe,—that this measure has been a complete failure; and that, although we meant it for the benefit of the poor, for raising their characters and increasing their comforts, yet they are, in all these respects, worse off now than they were before the year 1834.

If I were to follow my noble friend through the speech he has delivered, I should have to deal with somewhere about half of it, which might just as well have been the preamble to a speech upon any other subject, as to a speech upon the new Poor Law Amendment Bill. It reminded me of the introductions to Sallust's two histories, the one being an account of a very limited nature, a six weeks' conspiracy; and the other an account of a two months' war; and yet the introductory chapters to those works are such as might have been the preface to any one history which any man might have taken it into his head to write, or, indeed, to any one work of any kind upon any subject. The introductory part of my noble friend's speech was much like the generality of Sallust's prefaces, if it did not equal them in elegance and terseness of style.

Then came my noble friend to matters of more immediate bearing upon his subject, though his facts were not quite so authentic as the historian's. He began by

telling your Lordships that, instead of to-night—(when I really had flattered myself that I was to meet some grave charge against the Bill itself, or some specific facts alleged against the Commissioners, requiring to be answered or explained away—allegations against those Commissioners, whose duties are not, I conceive, likely to be much facilitated by such discussions as the noble Earl is fond of indulging in, any more than these discussions are likely to facilitate the working of this measure by making persons in the country lend their hands as guardians to the discharge of so delicate, important, and arduous a task—but)—instead of to-night bringing charges against the Bill, or against those who had to work it, my noble friend has referred me to some indefinite period of time yet to come; and I now find that the present speech is not that definite accusation promised to be brought against the measure, nor yet that description of charge and specification of facts against the Commissioners, which I stood prepared to meet; but only the first of a series of Discourses, a kind of Evening Lecture which my noble friend has founded, and to which, in the exercise of his patronage, as the founder, he has collated himself, so that he is to be the first Lecturer as well as Founder; and that the Discourse of the present evening is only to consist of mere introductory matter. Now, is not this rather hard, and have not I rather a right to complain of the course taken by my noble friend? For I am now in this dilemma. If I keep my seat, and if my example is followed by those noble Lords who entertain the same opinions with me upon the subject of the Poor Law Amendment Bill, what will happen? It will instantly be triumphantly proclaimed all over the country, by the various channels through which those who are discontented with the operation of this Act disseminate their denunciations; and for the next two months it will be said, that

" a most important and convincing, and (as the phrase would be) " *we* have a right to say, a wholly unanswerable statement was brought forward by the noble Earl, who is always known to be the true friend of the poor man, and who demonstrated, to the utmost satisfaction of all who heard him, and to the utter silence of all the cruel and cold-blooded friends of oppression, that all the charges alleged against this infamous new Poor Law Bill were nothing more than true, nor less than proved." I am therefore bound to stand up and attempt the most difficult of all tasks—to meet a set of vague generalities by specific answers.

Now, first of all, my noble friend repeated the thousand times refuted assertion of the unconstitutional powers given by this Bill—of the dictatorial office of the Commissioners, who were sometimes called the Three Kings, sometimes the Three Dictators, as if kings were not powerful enough—sometimes the Three Despots—in plain terms, Tyrants—men who cared nothing for the sufferings of the poor; or, at least, whose feelings were in the wrong direction, being on behalf of the rich, and who ground the poor man's face. Again, they were designated as " Secret Tyrants," whose code of laws no man could discover, for they had not promulgated it. Nay, the noble Earl went so far as to say that this is " an illegal Act."

Earl Stanhope.—Hear, hear!

Lord Brougham.—My Lords, I have no doubt my noble friend is correct in using the epithet which he now, by his cheering, repeats; only I do not profess to understand him. I understand what a bad Act is, I understand what a cruel Act is, I understand what an oppressive Act is; I know of many, I have opposed many; some I have withstood successfully, others I have failed in resisting; but I always understood what was meant by the words applied to describe them. I also

understand what an unconstitutional Act means—it is an Act contrary to the general spirit of all other Acts, and of the common law; but an illegal Act passes my comprehension altogether, because, at all events, it is law: legal it must be; it may be bad law; it may be cruel law; it may be law that never ought to have been made, and that ought immediately to be abrogated; but still it is law—nay, the very complaint of my noble friend is, that it is law; if it were not law, he would have nothing to complain of. How, then, it can be illegal, I myself cannot understand, and I have heard nothing from my noble friend to help me over that difficulty. The Right Reverend Prelate, whom I do not see present,* complained of its being a law that was unconstitutional, and that gave arbitrary powers to certain functionaries, whom it called into existence and armed with new powers. Now, it is true that I, on a former occasion, accepted the challenge of that Right Reverend Prelate, and made a sort of assignation with him; at least, I certainly intimated to the Reverend Prelate that I should be here; and I had hoped that the Right Reverend Prelate, who has always taken a prominent part in these discussions, and who has levelled the charge against the Bill of conferring unconstitutional and tyrannical powers, would have been present also. I had pledged myself to shew that the Bill has not gone further than many former Acts have done; that it has not gone nearly so far as some; and that all those powers which it gives are constitutional, are consistent with the spirit of our laws, and are as little liable to be abused as any human laws can be, the execution of which must needs be intrusted to human hands—plans, the work of fallible beings, by fallible beings to be carried into effect. I am now in my place to redeem that pledge, and I have found one, and only

* Bishop of Exeter.

one, of my antagonists, my noble friend* before me. Of my noble friend's candour I am well satisfied; of his good intentions I am equally well aware. I charge the noble Earl with no impropriety of conduct—I know his real motives—I know that he has brought the subject forward out of the honesty of his heart, and with the most perfect good will towards the working classes. If, as in my opinion they undoubtedly are, the noble Earl's views upon the question should turn out to be the most incorrect, the most strangely erroneous, the most perversely wrong, the error is in no way attributable to the noble Earl's heart—it is simply an error of the head. This is the only kind of being in the wrong that I attribute to the noble Earl—whose intentions are beyond all suspicion.

Strong as his views are upon the subject, I think I shall be able to satisfy him that under the operation of the new Poor Law Bill there has been no exercise of dictatorial power, no tyranny, no oppression; and further, that there is nothing extraordinary or unconstitutional in the powers conferred by the Act, any more than there has been anything extraordinary or unconstitutional in the exercise of those powers. Take, in the first instance, the amount of patronage given by the new law. Is there anything novel, anything extraordinary, anything unconstitutional, or, to use the noble Earl's own phrase, anything illegal, either in the amount of the patronage or the manner in which it is bestowed? Act after Act may, already, be found in the statute book, wherein the amount of patronage is infinitely greater, and the control over the exercise of it infinitely less. Act after Act may be found, in which fifty different offices, fifty different powers, are given to bodies of Commissioners, whose authority is absolute, and whose rule extends to things general as

* Earl Stanhope.

well as local—to counties as well as parishes—to absolute elections as well as vestry meetings. Then, as to the appointment of the Commissioners. Is it objected to them that they are appointed for too long or too indefinite a time? Act after Act might be found in which Commissioners, vested with infinitely greater and with wholly irresponsible powers, are appointed for life. There are the parochial Acts of St Andrew Holborn, of St Pancras, of St Leonard, Shoreditch: all these Acts apply to extensive and very populous districts of the metropolis, and give to the Commissioners appointed under them, large powers, much patronage, great authority, important duties, extensive and valuable influence:—for how long are they appointed? Every one of the Commissioners appointed under those Acts is appointed for and during the term of his natural life. Is that the case with the Commissioners appointed under the new Poor Law Act? No; instead of being appointed for life, they are only for five years; and now, at the end of a very short time, the present Commissioners' period of service expires, and their reappointment or the appointment of their successors must depend entirely upon the will and the judgment of the responsible advisers of the Crown, in the event of the Act being renewed by the Parliament. So that anything less independent of the control of the Ministry—less independent of Parliament—less independent of the country—than these Commissioners are, by the tenure of their office, I am utterly incapable of imagining.

But then, many complaints have been heard, much strength of language has been employed, a world of declamation has been poured forth, in condemnation of the extraordinary, unconstitutional, and unheard-of powers vested in the Central Board of Commissioners. Now, the leading object of the Act—

the fundamental principle upon which it was based—was this:—its framers said to themselves, "It is necessary to simplify the management of the poor—it is necessary to reduce the management generally throughout the country, to something more of a system—it is necessary therefore, that some useful, wholesome, and incontestably sound principles should be adopted, which shall possess as general and as pervading an influence as we can possibly give them; but it is also necessary that, in different situations, those principles, in their application, should be adapted to local peculiarities." What did the Act do towards the attainment of this end? In the first place, it directed the appointment of one general Board of Commissioners, composed of men for whose appointment the Ministry were responsible, and for whose conduct also they (the Ministry) would be answerable to the Crown and to Parliament; and, in the second place, it authorised the appointment of Local Boards of Guardians, composed of men not appointed by the Crown, not selected by the Ministry, but chosen by the persons most immediately interested in the proper management of the local funds, namely, the rate-payers of the district over which the guardians were to preside. By this means a direct and powerful control was at once given to the parties most deeply interested over the local authorities, by whom the provisions of the Act were to be carried into effect, relating to the management and relief of the poor; whilst a superintending power, as to the adoption and observance of the general principles of the Act, was left to the Central Board of Commissioners. The rules that were found to succeed in one place, were, by the influence of the Central Board, extended to others; when, in several places, experience shewed them to be fit, the power of the Commissioners enabled other places to benefit by that experience; but it did not fol-

low that they were in every instance to be wholly, or in any instance arbitrarily adopted. They might be modified—indeed it was the duty of the local authorities, of the Board of Guardians, so to modify them as to render them easily applicable to the local diversities and peculiar circumstances of the district in which they were to be applied. I really do think that no system ever devised by the wit of man was less deserving of the charge of being dictatorial, unconstitutional, despotic, tyrannical, or oppressive.

Independent of the Ministerial responsibility to the Crown and to Parliament for the appointment of the central board of Commissioners—independent of the check which the rate-payers have it always in their power to put upon the local Boards of Guardians—it is to be remembered that the proceedings of both Boards —of the Board of Commissioners as well as of the Board of Guardians—are also liable to the further control of public discussion, that great safeguard of our liberties, that great preventive of all abuses. And in no part of the country has this right of public discussion, as applied to the administration of the new Poor Law, been sparingly applied. Meetings have been held in every direction, and no act spared, no misrepresentation withheld, no clamour suppressed, that could tend to mislead and inflame the public mind upon this important subject. Do I complain of this? No. These public meetings, these public discussions, have been most ample, most frequent; therefore, if there had been, on the part of the Commissioners sitting at Somerset House, or on the part of the Board of Guardians administering the law in any part of the country, or on the part of the Assistant Commissioners or of the Relieving Officers from the Land's End to John-o'-Groat's House, any tendency to abuse the powers with which any one of them is vested, it would have been trumpeted forth

in the newspapers, proclaimed at public meetings, and in this and the other House of Parliament have been made the ground, not of a motion for papers specifying the number of petitions which had been presented upon the subject—which now appears to be all that the noble Earl (in this respect resembling the mountain in labour) intends to move for—but the ground for a straightforward, intelligible, constitutional, and legal mode of proceeding—the ground of a motion for the appointment of a committee to consider of the operation of the Poor Law Act; and to examine upon oath the witnesses who came to support specific charges. That no tangible cases of abuse can be proved, or even stated, I am, perhaps, not entitled absolutely to assert; but this, at least, I may be allowed to remark, that it would have been much more creditable to those, in this House, who oppose the measure, if they had brought forward some specific cases, instead of dealing only in vague generalities; and that it would have been infinitely more creditable to those who have affected to produce particular cases out of doors, where they could not be met by the defenders of the measure, if they had not adventured to produce those charges which, as often as ventured upon, were found, when they came to be sifted, utterly destitute of foundation —found, without one single exception, to crumble into dust the moment they were touched—found uniformly to vanish before the first steady glance of investigation.

Before I come to any of the cases which have been so mentioned, and so proved to be groundless—for, though the noble Earl has not much adverted to them, they have been made the subject of common talk and constant comment, for some time past, in places where it was impossible for any one to meet them and put them down—before I come to these cases, I wish to offer a very few observations in refer-

ence to the charges made against the Act itself. I feel justified in taking this course, because we, the friends of the measure, have been placed not upon a fair trial, but in a position exposed to all manner of attack and misrepresentation for months and months past, without the power of saying one word in our defence. I avail myself, therefore, of the present as the first convenient opportunity that has been afforded of shewing the utter groundlessness of the thousand-and-one charges brought not only against the Act itself, but against all those by whom it was propounded and defended. First, as to the unprecedented nature of the powers conferred by it, I undertake to shew that infinitely greater power has been, in all periods of our legislation, conferred by other Acts. I will drag forth before your Lordships, from their original and perpetual obscurity, Statutes giving infinitely greater powers, not to a known, respectable, and highly responsible body of three commissioners, the limited number increasing the responsibility of each—not to men every one of whose acts must be rigorously scrutinized and publicly canvassed—not to men whose names and persons are universally known, and who can do no one thing in the dark or in a corner—not to men whose conduct must of necessity be known to all the country, instead of being limited to a particular parish in a particular district—not to men subject to the inspection of Parliament, and under the superintendence of the responsible advisers of the Crown—but to twenty-five men in one class, and twenty-five other men in another class of society, all of whom were subject to no other control, or responsible to any higher authority than their own will and pleasure. Such are the powers given by the Parochial Act of St Leonard's, Shoreditch, now and for twenty years past in full operation, but never once complained of by those who call this law dictatorial and arbitrary.

Under that Act the commissioners, responsible to no one but themselves, have the power of framing diet tables for the workhouse, and of refusing relief out of the workhouse; powers which, in the new Poor Law Act, were described as novel, unheard-of, tyrannical, despotic, oppressive, and wholly unprecedented in the laws or usages of England. Then there is the Oxford Act, under which the guardians and other officers are obliged to serve, or to suffer certain penalties. Suppose such a provision to have been made in the new Poor Law Act, what would have been said? Would not men have exclaimed, "Was ever anything like this tyranny? Here are we, who abhor and detest your measure, obliged, under heavy penalties, to join with you in the exercise of powers which we hold to be despotic and tyrannical, as well as unconstitutional, and even (as the noble Earl says) illegal." But there is no such arbitrary enactment in the Poor Law Bill. Under the Oxford Act, the commissioners or the guardians are empowered to take up all disorderly persons and beggars. Now, beggary is poverty; and, says the noble Earl, poverty by the law of England has never yet been treated as a crime. The Oxford Act, however, makes it punishable with imprisonment. Then, astonished, as if he had discovered in the new Act some novel principle, some rule never before known to the law, he exclaims, "What! was there ever anything like this? was there ever anything so monstrous, so tyrannical as this? Why, under the provisions of the Act, poverty, for the first time in England, is treated like crime." But the noble Earl is mistaken; for, says the Oxford Act, "if beggars shall be found, they are to be kept at work till they have reimbursed the union; which, if they cannot do, they may be kept to hard work in the house of correction for thirty days." As to the punishment of thirty days' imprisonment,

much, perhaps, needs not be said; that infliction may be thought moderate enough: but then, during the period of imprisoment, the Oxford Act further directs, that "they be three times whipped." Now, however, it is an unheard-of thing, we are told, that the Poor Law Commissioners should say to a man, "You are able-bodied; go and work; or if you cannot get work, come and take the pot-luck (as it were) of the workhouse;" being as much as to say, "Come and be comfortably lodged, and comfortably clothed, and take for your diet that which our comfortable table affords." This is unparalleled and unheard of. But, says the Oxford Act, —which, as your Lordships will perceive, is infinitely more tender, infinitely more merciful and benevolent in its provisions,—"If any man shall beg, being poor, he shall be taken up and compelled to work, to reimburse the union; and if he cannot work, then he shall be imprisoned thirty days, and during that time be three times whipped, once in every ten days." Is this all, my Lords? Is there no other power given under the Oxford Act by which the workhouse may be supplied? Yes; there is a power unknown to our Act, unheard of in our days,—a power of search; a power to search for the unhappy, the wretched, and the unfortunate, to tear them from their homes, and drag them off to the workhouse, without ceremony and without inquiry, as if they were criminals; a power given in no instance except for the arrest of persons guilty of crime, or contempt of court, which is *quasi* a crime; a power to break open the outer door of the dwellings of the poor, and to compel such as are found within them to go to the workhouse, whether they like it or not. Nor is this all. I remember, very well, the late Sir James Graham, for many years Member for Carlisle, who, from his great knowledge of the business of Parliament, and his obliging disposition, introduced, perhaps, more pri-

vate Bills than any other man of his day—I remember, very well, his bringing in a Lincolnshire Workhouse Bill. I remember, too, that Sir Samuel Romilly, having at the moment, I suppose, nothing else to do, but unwilling, like all great men, to leave a moment unemployed, accidentally took up the Bill, and came forward to oppose it, having discovered that it gave a power of whipping all paupers in the house. How was that objection met? Was any wonder expressed,—any indignation manifested? Not at all. "Oh!" said the supporters of the Bill, "this power of whipping is the commonest thing in the world; there is nothing to be alarmed at in that; we can shew you precedents;" and in a trice they produced half a dozen Acts, in all of which the governors were empowered to whip the poor. In short, it was considered mere prudery on the part of Sir Samuel Romilly to raise any objection to so very reasonable and so very ordinary an exercise of parochial authority. I only mention this to shew your Lordships that when people talk of the tyrannical, despotic, oppressive, and, above all, the unprecedented powers conferred by the new Act, there is nothing contained in it, from the first line to the last word, that can be compared with the severity of preceding measures.

As a further illustration of this point, I may refer to what has occurred in some places under Gilbert's Act, passed, as your Lordships will remember, in 1782. Mr Hawley, one of the Poor Law Commissioners, upon visiting the workhouse of one of the unions formed under that Act, was struck by hearing the clank of chains in one of the inner courts; and upon arriving at that part of the establishment, he actually found persons pacing about the court manacled, and having also their ancles bound in fetters. Expressing his astonishment, and inquiring the cause of this, the master of the workhouse coolly replied, "We find it necessary; it is im-

possible in any other way to prevent them breaking bounds and running away." All this is in evidence—in evidence that has been printed, and to which I would fain direct your Lordships' attention, although I will not now trouble you by reading it at length. But your Lordships will be pleased to observe, and my noble friend will allow me to remind him, that these things cannot be done under the present law; that these things are not done under the present law; or, if done, that they are illegal, though the law itself is not illegal. These things are all now prohibited, and if committed are most severely punishable.

I think I have now redeemed my pledge when I told your Lordships I would shew that the powers conferred by this Act were not unprecedented, and that they were not more tyrannical or more oppressive than the powers which, under other Acts, had existed, ay, and been exercised, long before. If it were necessary, I could enter into a multitude of details in further illustration of this point; but I think I have stated enough to convince your Lordships that this measure is not so terribly despotic as it has been represented, and that it does not deal with the poor half so severely as other Acts. From the beginning to the end, it confers not one harsh, not one cruel, not one oppressive or despotic power, either upon the Commissioners or the assistant Commissioners, upon the Guardians or the Relieving Officers.

Then, my noble friend dwells at length upon the great hardship of there being no out-door relief. My Lords, there is not a more ordinary, but there is not, at the same time, a more inexcusable misrepresentation than that which affirms the total refusal of out-door relief under the new system. I assert, that the Act does not prohibit out-door relief. Further, I maintain, that the Commissioners have never prohibited out-door relief. I venture to assert, and I challenge

a contradiction to the assertion, that all the Boards of Guardians, all the assistant Commissioners, all the Relieving Officers have allowed, do continue to allow, and must, if they act up to the provisions of the statute, continue freely to allow, out-door relief. One sort of out-door relief, I admit, they do not allow, as a general rule; but even to that there are exceptions. Able-bodied workmen,—men who could work if there were work for them to do, and in ninety-nine cases out of a hundred, the fact always turns out, that there is work to be had if there are men who choose to ask for it, and to do it; but "those who seek not, neither shall they find;" these men, I admit, are refused out-door relief, but they are offered the relief of the workhouse if they choose to enter it. And here I complain, as I have just reason to do, of the gross and fraudulent misrepresentations,—misrepresentations amounting to falsehoods and utter fabrications—which I have seen, and seen with amazement, of the conduct of the Commissioners, the Boards of Guardians, and the Relieving Officers in the treatment of the aged and infirm poor. I have seen it stated, that they will not give to the aged out-door relief, but compel them, in every instance, to come into the workhouse. That statement is utterly unfounded, utterly false. If persons be infirm, be it from disease or natural malformation, from incapacity, bodily or mental, or from the advance of years and the decrepitude of old age, they receive, under this Act, out-door relief; ay, and receive it more certainly and more liberally than if the Act had not been passed. In some cases, the relief administered under the Act has gone even further; for so great has been the desire of the Commissioners and of the Boards of Guardians not to hold too tight the power of refusing out-door relief, that when an able-bodied man, though only five and thirty years of age, and in the prime of life, but bur-

dened with two or three children who are labouring under some natural infirmity, such as deafness, dumbness, or blindness, has applied, the Commissioners have acted upon what may be regarded as the equitable construction of the word "infirm" employed in the Act, and have given to such persons, though neither infirm, nor diseased, nor aged, out-door relief, in consideration of the infirmities of their family. Then, have I not a right to complain of the statements which have been made? Have I not a right to ask whether a misrepresentation more gross or more foul could possibly be fancied—could possibly be conjured up by the malignant imagination of any man—than that out-door relief was never given, and that the aged and infirm were compelled to betake themselves to the workhouse?

I have hitherto passed over the subject of medical assistance, because my noble friend says he shall reserve it for the next head of his Series of Lectures. I therefore will pass it over also, only observing by the way,—and the observation applies to the whole subject of the medical relief administered under the Act,—that I have not observed the complaints upon this head to come from the poor themselves, but from the medical men who are required to attend them. The medical men certainly appear to be very sensitive upon the subject, infinitely more sensitive than their patients; for it will be found, by asking those who have inquired, or those who have been engaged in administering the Act, that the medical assistance now afforded is much better, much more certain, and much more regular, than it was previous to the passing of the new law. This, indeed, it is exactly, that the medical men complain of. They can no longer draw their money for doing nothing. Under the operation of the new law, they must work for their pay; therefore they say, "The pay is too little, and the work too much." However that may

be, certain it is, that since the Act has come into force, more has been accomplished in the way of affording medical relief to the poor than was ever done under the old system. Allowances, large and liberal, have always, I am happy to say, been made by the Boards of Guardians, with the entire approval of the Commissioners, both assistant and central, in cases where either disease or infirmity has required the substitution of better food. In all such cases a generous diet (to use the medical phrase) has been allowed; meat far beyond the ordinary rules of diet has been given, and in many unions wine to a large extent has been provided. Here let us only pause for a moment to ask whether it is fair that those who have so exerted themselves,—who under the guidance of such kindly feelings towards their poorer fellow-creatures, have shewn themselves so little regardful of trouble or of cost,—whether it is fair toward them to reiterate, day after day, the cry of their starving, grinding, oppressing, and imprisoning the poor, and withholding from them all those medical comforts which (above all things) under the old system they had enjoyed? Is this fair, when we find that under the new law the poor have incontestably more of medical comfort—that larger sums, by a great deal, are expended upon them—that better and more regular attendance is secured to them—and that in no one single instance has a case been specified in which there has been any defect in the medical attendance in any one workhouse, in any one union, throughout the whole country?

I will not pursue this point further; but allow me to ask whether the tone which has been adopted by some men upon this and other subjects connected with the new law is a wholesome or a proper tone? Is it a tone that can in any way tend to improve the condition of the people, or to place them in a better

situation? Does it tend to reconcile men's minds to a law to say that it is bad, oppressive, cruel, unconstitutional—a law which (to use the phrase employed by the noble Earl) did not deserve to be called a law? Why, then, do you not bring in a Bill to have it repealed? Instead of night after night coming down here with charges which you will not specify, or attacks upon individuals whom you will not name, for things which you will not particularize, upon authority to which you will not give us the means of referring; —instead of coming forward with stories of abuses in places which you will not venture to point out, not even so far as to name the county in which they might be found—why do you not come forward boldly and manfully, and demand the total repeal of the whole measure? But you have shrunk from that plain, intelligible, and manly course; night after night you put forward your unsupported statements; night after night you endeavour to excite a prejudice against the Act, and against those by whom it has been administered; but now, when the hour of trial is come—when those whom you have attacked, indoors and out of doors, in your daily journals, in your occasional publications, in your public meetings, and in your declamatory speeches, for the last six months—when these men came forward to meet charges brought against them in places and at times when it was impossible for them to reply or to explain—when these men enter the arena and defy you to the proof—then you wrap yourselves up in vague generalities, talking, at random, of Mr Pitt—of the "pilot that weathered the storm"—ballasting the ship, too, you might just have added with five hundred millions of debt, without which the poor would have now found it far easier to get employment;—when the hour of trial comes, you shroud yourselves in these fruitless, vain, inapplicable generalities,

and leave us to guess, to beat the wind, and to conjecture, in the best way we can, what is the charge upon which, without being tried, we have been condemned in the face of the whole country, sentenced to general execration, and delivered over to the authority and vengeance of the popular arm!

The noble Earl* is not the only person who has done these things; but he, I am bound to say, pure as his motives may be, holds a very high place amongst those who in Parliament have assisted, encouraged, and comforted the evil-doers out of doors. I have said that wherever a charge has been made, if it was specific, it has been refuted; certainly, in each instance an immediate investigation has been undertaken, and great readiness manifested to ascertain the correctness of every particular of the statement. I will give your Lordships a sample of the candour and fairness with which the Commissioners have demeaned themselves, and of the readiness and promptitude with which they have challenged investigation wherever an instance of abuse has been referred to. You will, at the same time, see if they have been met with similar candour and fairness by their accusers. A reverend gentleman, whom I will name if any body wishes me to do so, though the circumstances I am about to mention redound so little to his credit that I think your Lordships would rather his name should be kept back —a minister, as I understand, of the Established Church, was addressed by the Commissioners on the 11th of February 1837, in consequence of his having stated in a letter, to which his name was attached, a melancholy story of the cruel treatment of a poor cripple and his mother in a union workhouse. Mr Chadwick, the able and intelligent secretary to the

* Earl Stanhope.

Commissioners, addressed a letter to the reverend gentleman in consequence of that statement, requesting to be informed of the workhouse in which the alleged maltreatment had occurred, and giving an assurance that the fullest investigation should be made. All that Mr Chadwick entreated was, that the reverend gentleman would state where he got his information, what the names of the parties were, and in what part of the kingdom the circumstance had occurred. No reply was given to this most reasonable request. This information I have direct from the Board of Commissioners.

EARL STANHOPE.—I think, perhaps, I might save the noble and learned Lord some trouble by stating that an answer has been given to that letter. I can shew the noble and learned Lord the reply in print.

LORD BROUGHAM.—This I know, that no direct reply was sent to the Commissioners. These are their own words: "The Commissioners received no reply to the said letter."

EARL STANHOPE.—But a reply has been printed.

LORD BROUGHAM.—If so, there must be a reply which was never sent to the Commissioners; for they complain that no answer was sent to them. But I need not trouble your Lordships with disputing this case; there are plenty of others, and I go to one of them. A gallant General had stated some very gross cases of misconduct and abuse as having happened in the Bourn union, of which he, being chairman of the quarter sessions, was, *ex officio*, one of the guardians. When serious statements came from such a quarter, it was very natural for the guardians, his colleagues, to feel alarmed at them. They, accordingly, wrote a letter to the gallant officer, begging of him, in very civil terms, to enter a little into particulars. The letter ran in these words: "I have the honour to address

you, by direction of the Board of guardians of this union, requesting you will furnish me, for their information, with the names and parishes of the parties whose cases you are reported to have brought before the public, at a meeting lately held at the Crown and Anchor Tavern, London, as the Board are led to infer, from the whole tenor of the published report, that the cases referred to are supposed to have occurred in this union. I am further directed to inform you, that it is the anxious wish of the Board to furnish, on their part, every explanation on this or any similar occasion." The answer was this:—"I beg to acknowledge the receipt of your letter of the 22d instant, but I must decline giving any answer to the inquiry of the Board of Guardians at Bourn. I feel there would be no end to this subject, if I was to enter into explanation with every Board of Guardians to whom I may allude when expressing my dislike of the new Poor Law. At the same time, I thank those at Bourn for the offer of explanation on their part, which I will avail myself of when I see occasion." So that the logic of the gallant officer was this:—"I charge a Board of Guardians to which I belong myself, of which, *ex officio*, I am a permanent member; I accuse them of cruel conduct, but in general terms; they write to me for particulars, and express a desire to enter into an investigation of the matter; I receive their letter, and I say, 'Oh! it would be an endless job if I were to enter into an explanation with every Board of Guardians in the kingdom to which I may allude when expressing my dislike of the new Poor Law Bill.'" Such is the logic of the gallant general, totally forgetting that the circumstances in which he had been called upon to explain by the Bourn Board of Guardians, were entirely different from any others that could possibly occur in which he was himself concerned, because he had impugned the con-

duct of a Board of Guardians near to whom he lived, and of whom he was himself one. Now, he could not live near and belong to every Board of Guardians in the kingdom. Again; he had impugned the conduct of a Board of Guardians, of which he was himself, *ex officio*, a member, being the chairman of the quarter sessions. Now, he could not be chairman of the quarter sessions of every district in the country—could not be, *ex officio*, a member of the Board of Guardians in every union in the country. Therefore, what mischief or inconvenience he could sustain from answering the letter of the Bourn Board of Guardians, his own colleagues as well as his near neighbours, where the whole matter would have begun and ended, I confess I am utterly at a loss to understand. But one circumstance I am quite aware of, and it may furnish a key to otherwise inexplicable conduct. The gallant general was the candidate or the member for a Lancashire borough, where great excitement had been raised against the Poor Law; and, no doubt, all attacks upon all Commissioners and all Boards of Guardians bore a high premium in that borough at the time when the convenient speech was made, and the inconvenient explanation was refused.

I might mention many other cases in which there has been a similar reluctance to enter into particulars, on the part of those who have shewn great alacrity in bringing forward general charges; but I confine myself to a few. There is one case which has been especially mentioned,—mentioned in very strong terms,—and it is, no doubt, of a touching nature. It was published in a newspaper; and the editor said he had it from a very old and valued correspondent, who had never deceived him before. As soon as the publication appeared, a letter was addressed to the editor, requesting that this old and

valued correspondent might be made known, as there was no truth whatever in the statement he had published. The editor declined to do this, but said he would make inquiry of his correspondent; and a few days afterwards, a very civil answer appeared, couched in something like these terms:—"Our old and valued correspondent, who never deceived us before, being unable or unwilling to substantiate his charge, we have no objection to make the *amende honorable*, and to publish a contradiction of the charge." Very well; but how did they do it? The original charge was headed "Horrible Atrocity of the New Poor Law:" was printed, throughout, in a large type; and was placed in a prominent part of the newspaper. Not so the contradiction. That, modestly, retiringly, like a sensitive plant shrinking from the touch, fled into a remote, obscure, humble, sequestered corner, and there by the fair river of print that traversed all the margin-valley, there it lingered unheeded, unseen, and wasting on the desert air that sweetness of truth which, for the first time, it shed upon the ground hostile to the new law.

In the month of July last, a gentleman, very well known in Yorkshire, paraded a letter in the newspapers, in which some strong assertions were made with respect to the working of the new Poor Law Bill. The editor of the newspaper had no blame in this, except that he might have inquired a little more accurately as to the means of information possessed by his correspondent. The statement published in the newspapers, on the 11th of July last, was in these terms:—"A clergyman, a neighbour of mine, told me the other day, that two friends of his from Cambridge had told him the following anecdote: At a union workhouse in that neighbourhood, a labourer, his wife, and children, had been confined; they were as a matter of course separa-

ted. The poor fellow was, at last, tired out; he was 'tested' as the Duke of Richmond would term it." I dare say my Noble Friend never made use of such an expression. But the statement continues:— "At length he thought he had better be half-starved at liberty, than half starved in prison. He gave notice to the governor, that he, his wife, and children would leave (meaning, I suppose, leave the house; but our good old English will soon be written out of use by these penmen), and that he would try to obtain work. The governor said, 'You cannot take your wife out; you and your children may go.'—'Not take my wife?' exclaimed the poor man, 'why not?'—'We buried her three weeks ago,' replied the gaoler." Now, I must say, that a more shocking story than this, if it were true, could not possibly be brought under the consideration of the public. But, in the first place, it was not very likely that a man confined in the same workhouse with his wife, and separated from her only during the night, should be ignorant of her death three weeks after it had occurred. In fact the statement was not true. However, it had the effect of causing an immediate inquiry to be made by the Commissioners, whose praise-worthy course is, whensoever they see a specific charge, to make an instant investigation of the particulars. They did so in this instance; and the result was, in all respects, similar to that which had been obtained in every other instance where similar statements and similar charges had been made.

The Earl of Radnor.—Name the party who made the statement.

Lord Brougham.—I am now alluding to a statement which had been put forward by Mr Oastler, the gentleman who contested the representation of Huddersfield, and who, though mistaken, violent, hardly of sound mind upon the subject of the poor law, I believe, at heart,

is an exceedingly humane and benevolent man. The inquiry in this instance, as in all the previous ones, ended in the Commissioners being referred from one person to another, and from one place to another, until at last it turned out that the circumstance complained of had not taken place either in the county of Cambridge or its neighbourhood. The Commissioners reported to Lord John Russell, that all the answer which they had been able to receive, was, "that the report was originally communicated to some friends of a gentleman at Huddersfield, named Kettlewell, by a person in Lepton, near Huddersfield; who, being further questioned, says he heard it from his brother, who had it from a friend, to whom it had been related by a pauper, who said he had been in the same house, but whose name and abode he confessed he did not know." So that there was a statement made to one person by another person not named, who had it from his brother not named, to whom it had been told by a pauper, whose name and abode were not known. Certainly, very satisfactory evidence, the hearsay being only six deep! And on such authority has the new Poor Law been condemned. In fact, there is not a word of truth in all the statements which have been made against the measure; there is not a shadow of evidence in support of those statements.

Undoubtedly, there is no lack of assertion; there has been no deficiency of vituperation; there is no scarcity of censure of the system, and of those by whom it is conducted; ay, of vehement, furious, bloodthirsty reprehension; and that not by laymen, but by ministers of the gospel of peace. I feel persuaded that I shall petrify your Lordships by that which I am about to state. It is difficult to believe that any being in a human form could utter such sentiments, in such language, as have been uttered by a clergyman,—not of the church of England, certainly, but

by a clergyman,—the Rev. Mr Stephens, at a meeting held at Hartsteadmoor, to petition for the repeal of the Poor Law. This is a report of the proceedings in a Leeds paper:—"Mr Stephens then read extracts from Magna Charta, and said, that if it had been passed without blood, it should be reinstated without blood; but if blood had been shed, blood should not be wanting to bring it back again. Sooner than sit down with this Bill, they would light up the tocsin of anarchy." Light up the tocsin of anarchy! The reverend gentleman seemed to consider a tocsin to be a torch. He had, probably, heard of cursing by "bell, book, and candle," and had confounded the first with the last; of the second he seems to know nothing. He then proceeded,—"they would light up the tocsin of anarchy, and the glory of England should depart. Sooner than suffer his wife or child to be torn from him, he would plunge a dagger into the heart of the man who attempted it. They were not there to reason, or to argue, or to amplify on the question, but they were determined not to have the Bill either in whole or in part, either in principle or in practice, either in its head or in its tail. They would neither have the sting in its tail, nor the teeth in its jaws, but they would plunge a sword into the entrails, and dig a pit as deep as hell, and, out of the Whig filth, and rottenness, and detestable and damnable doctrines and practices, they would tumble it all into the pit. He would never pay taxes towards that Bill. If it was to be the law, he would be outlawed; and if it was to be a law for the poor, then he would say, by the God who made the poor, there should be no law for the rich." At another meeting, the same reverend gentleman is reported to have thus spoken:—"He said what he did, not from the impulse or whim of the moment, for he knew there was a government spy in the room, and if he did

not take the words down, he knew they would appear in the public press, and that Lord John Russell would have the opportunity of seeing them. He would say, let them have no Factories' Regulation Bill alone, they must fight for both Bills at once. If they would not grant them, he would say 'Down with the mills!'" On another occasion, the same individual talked of those "institutions which were once the pride of the country, the envy of surrounding nations, and the admiration of the world," as having been "destroyed by the infernal Poor Law Bill, and its fiendish supporters,"—"I ask," says the reverend gentleman, "the rich to pause: I ask, what will be the effect of the law in Manchester? If you receive it, you must give up the book of God from your pulpit, and the prayer-book from your reading desk; they cannot stand together! for the devil is not more opposed to the Almighty than is the new Poor Law to his holy word." Surely such language as that, uttered by a Christian minister, if not actually blasphemous, was, in the highest degree, unholy and irreverent. He proceeded to say,—"And there is another old law, which declares that no man is a felon for taking that which he needs to satisfy his hunger." There never was any such law. There may be extenuating circumstances in a robbery; but a robbery is and always was a punishable act, whatever the urgent necessity that prompted or that drove to it. After exclaiming,—"I tell Lord John that the Poor Law is the law of devils, and that it ought to be, and will be, resisted to death;" and, after uttering a great deal more of very inflammatory matter, Mr Stephens went on:—"In my town of Ashton"—Now, I know Ashton. It is an extensive place. The inhabitants are very ingenious and industrious, but they are very excitable, and they are very numerous; and, as I have already observed, most excitement exists against the new Poor

Law where it is least known. "In my town of Ashton," said Mr Stephens, "when March comes, we are determined on our course. Let the man who dare do it accept the office of guardian; we are determined, 'an eye for an eye, a tooth for a tooth,' man for man. It shall be blood for blood, so help us God and our country." Now, I ask your Lordships if I was guilty of any exaggeration, when I said that the language which I was about to quote would make your blood run cold?

Such gross misrepresentations, both of the principle and of the details of the law, are most reprehensible, proceeding from any man; still more are they reprehensible when the speaker clothed his sentiments in language such as no human lips ought to utter; above all are they reprehensible when such gross misrepresentations, couched in such terms, proceed from a minister of the gospel of peace, who borrows his illustrations from the Bible, the reading-desk, and the pulpit; who, with abominable profanity, perverts the doctrine of "peace on earth and good will towards men," to the vile purpose of exciting his hearers to riot and insurrection—of making them actually slake, by murder, the thirst of blood which his exhortations have raised; and who, as in religious matters his influence might perhaps be great, no doubt hopes that in secular affairs it would not be small. One writer in a provincial Journal, described the Poor Law Commission as "a cruel Cerberus; a three-headed monster; a devil-king over the inmates of the national prison:" and a gentleman, whose name it is unnecessary to mention, in language at least not inferior in violence to any which I have hitherto quoted, uttered the following sentiments:—"He would consider himself disgraced if he had travelled two hundred miles for so paltry and ridiculous a purpose as petitioning what was called the Parliament;

and recommended the meeting so to act as to bring the Parliament on its knees before them, by standing with the petition in one hand, and a pistol in the other, the finger holding the trigger to assist the petition." If any of these misguided individuals, after hearing these abominable doctrines, couched in such execrable language—after hearing from his spiritual instructor that it should be "blood for blood"—after hearing from another, but a temporal adviser, that he ought to apply to Parliament "with a petition in one hand and a pistol in the other," were to commit some atrocious outrage, the crime could hardly be called his. My Lords, I have great confidence in the good sense of the people of this country, for I have long known and admired their character. I know their instinctive love of the law, and the horror with which they shrink from any breach of it. I know that they may be treated with great cruelty, that they may be subjected to much oppression, that they may be deeply wounded in their dearest interests, and tortured in their most tender feelings, often without a murmur, almost always without lifting a hand in violation of the law. This I know of the people from my own observation of them, and from living among them. I respect their loyalty, I respect their kind and peaceful disposition, I respect their almost invincible repugnance to any infraction of the law, any act of violence, any thing that smells of blood. It is therefore, my Lords, that I feel the utmost confidence in their good conduct, the most perfect assurance that their disposition is to keep the peace.

But, my Lords, if I am so sanguine in my expectations—if I so entirely trust them that I do not apprehend any evil consequences will result from incitements such as those which I have been reading to your Lordships, I am sure it is not because I believe that no

pains have been taken to produce those evil consequences; it is not because I believe that the persons to whom I have been referring have not done their best to induce the people to violate the law—to depart from their peaceful habits; it is not because I have any doubt that such was the intention of the wretches who attempted to practise upon the people, that they anxiously sought for tumult and confusion, and wilfully kindled a flame which they desired to see quenched in blood—I am tranquil upon the probable result only—but because I depend on the honesty and good feeling, founded on the intelligence, of the people themselves; and expect that they will be above falling a prey to all the detestable arts used for seducing them to their dishonour and ruin. But what will the people of England say, generally, when they become acquainted with the fact, that it is just in proportion as the inhabitants of any district know nothing of this law that they express their dissatisfaction with it—that wherever its provisions are not applied, there the greatest efforts are made to excite a ferment against it; and that, on the contrary, just in proportion as the law is tried, it makes friends, and day after day converts those who were, in the first instance, suspicious and jealous of it, into its admirers and supporters? My Lords, when the people of England come to reflect upon this fact, I am convinced that their good sense, that their rational habits, that their naturally peaceful dispositions, their sound understanding and increasing information, will act as perfect safeguards to them against the false, misguided, and slanderous accusers of the law. I trust, therefore, that these men have had their day. I trust that henceforward their misrepresentations will be refuted as soon as they are uttered. There is one thing, also, which I will venture, in addition, to say—that, as there is no one of the charges

made against the new system to which the old system was not subject in a tenfold degree, so there are, in many cases, no abuses even alleged against the new system, which kind of abuses was not everywhere found abundantly to exist in the old. Of all those scenes which it wrung our hearts to contemplate five years ago, none are any longer to be seen, affecting the eye and bathing it in tears. I can no longer tell your Lordships of any young, strong, and able-bodied labourer preferring idleness, with the parish allowance of 3s. 6d. a-week, to the 10s. a-week which he might have made by working. But I have misstated the case. It was not from the parish that such an idler obtained his weekly dole; it was from the virtuous and industrious poor, who earned their bread by the sweat of their brow, and whose recompense it was to be exposed to robbery, to be compelled to support the lazy and vicious in idleness. Did I say in idleness? No; but in riot, pillage, and fraud. At the period to which I allude, our hopes of a reformed system of poor relief were almost crushed by the stories which we were constantly told of the conduct of multitudes of the labouring classes. Boatmen of Kent and Sussex—men who, until the abuses had crept into the old Poor Law and unmanned them, thought no weather too hard for the exercise of their calling, and never shrunk from the peril of wind and wave when engaged in saving the lives of the wrecked, or in transacting the ordinary business of their hardy lives, any more than when engaged in running a cargo of smuggled goods—even such men, seven or eight years ago, were accustomed, in the tempestuous seasons of the year, to say, "We will go now and see what the parish may give us; they must keep us; we will take their five or six shillings a-week, and wait for good weather before we tempt sea again." No such things are now seen: the new Poor Law cannot

be charged with effecting any such corruption of character, with destroying the love of industry and of honest independence, which was the glory of our forefathers. Nor do we now see able-bodied men allowed by the parish sixteen shillings a-week for a limited portion of labour, while twelve shillings was all that could be obtained by similar men not paid by the parish, and who devoted the whole of the day to their employers. In 1831, hundreds of individuals besieged the relieving officers, complaining that they could not earn ten or twelve shillings from the parish, unless they worked as hard as the industrious labourer who made no application at all for relief. Nor do we ever hear now of facts exhibiting so degrading a deficiency in common sense and common feeling as that one honest and well-disposed woman, who for weeks and months abstained from receiving parish relief, preferring to support herself by her own independent exertions, was at length compelled to give in by the clamours of the other inhabitants of the village, who shamed her out of her good resolution, she being, till then, the only one not upon the parish. Recollecting all these things, my Lords, I ask you whether we were too vehement in our denunciation of the abuses of the old system? Did we lament too deeply the wide-spread evils—evils tending to destroy the good sense, the honesty, and the independent spirit of the people of England—the existence of which was proved by the gross abuses I have just cited? Before the introduction of the new system of Poor Laws, everything was monstrous, everything was unnatural, everything was intolerable, in the manner in which relief was given to the indigent. Practices which set all reason and all principle at defiance had grown up to a fearful height. Separating the workmen from the work, severing wages from labour, impiously and vainly reversing the original curse, by teaching

men to earn their bread by the sweat of their neighbour's brow—those practices, while they introduced the most intolerable corruption, were fraught with the most fatal consequences to social order; they threatened anarchy and violence; they opened the door to every description of profligacy and dissoluteness and crime. At that period no man, however undeserving, need want who would resort to the parish for aid. Men who prided themselves, and justly prided themselves, on their independence—men who nobly supported themselves by honest industry, were taxed to support every idle, debauched, and good-for-nothing profligate in their neighbourhood. The noble Earl told us, in the language of Scripture, "to look at the fruits of the tree before you judged it." I am sure, if we look at the fruits of the old Poor Law, we must admit that they were bitter to the taste, though certainly they were not "fair to the sight," for nothing could be more hideous.

My Lords, I hope we may be said to have passed safely through the first stage of the operation of the new measure. Under the operation of the old system, it was impossible that society could have long existed. All the better portion of the population were ground down by the poor rates. It was anxiety for the stability, nay, for the very existence of society, in which the present law originated. The money saved by it was only an inferior consideration. If the noble Earl can shew—which, however, I am persuaded he cannot—that the statement of a saving by the new measure of two or three millions a-year is a fallacy, that not a penny is saved—nay, that more is expended now than formerly—still, I should cling as closely as ever to the measure. For what was its principal object? Not to lower the rates of the rich, but to raise the character of the pauper; not to spare the income of the opulent,

but to improve the moral feeling of the poor. I hope that this object will be gradually, but surely, attained. I hope that the labouring classes of the people of England will be taught no longer to look with longing eyes at the means or earnings of others for their support; but that every one will depend upon his own industry, and will upon that alone found his expectations and those of his family. If this should be so, the comfort and happiness of the labouring classes will speedily increase; if this should not be so, I care not if the saving be twice that which it is now alleged, and I believe truly alleged, to be. What I look to, as I have already said, is the restoration of the character as well as of the comforts of the poor. If that should not be the result of the new system, as I am now the foremost to challenge inquiry into its merits, I should then be the foremost to call on your Lordships for its repeal. Again: if there should appear to be any defect in the mechanism of the law,—if there should any abuse be found in the exercise of the powers which the law confers,—if there should be detected any impropriety whatever in the administration of the law, whether general or particular, let that defect, let that abuse, let that impropriety be brought forward and established, and your Lordships will find that there is not a more vehement, that there is not a more implacable corrector of wrong, or prosecutor of the wrong-doer, than myself. No one has so great an interest in the correction of its abuses as its authors; no one has such a stake in its fortunes as they who are responsible for its operation, and do not shrink from their responsibility. Above all, no one can have nearly so great a desire to prevent every abuse in those who administer it, as those who, having named them, are answerable for their conduct. My Lords, if I so challenge inquiry into the merits of the new system,—if I so call for the appoint-

ment of a Committee to hear evidence upon oath, with respect to those merits,—if I so shew my readiness to amend, or even to repeal the law, should it be found expedient to do so,—if I so evince my disposition to deal with the measure exactly as it may seem meet to your Lordships to deal with it,—I claim this as an act of justice; I claim it, not as a boon, but as a right; I claim for the measure, and for its supporters, and for its administrators—(who, although I know they have administered it in a spirit of the greatest kindness and humanity, have, nevertheless, been exposed to every violence of censure and obloquy),—I claim it as a right, that if the challenge I give be not accepted,—if the call I make be not answered,—if the opponents of the system bring forward no specific charge,—if they do not allege any distinct abuse,—why then, I claim, as a matter of common right and justice, a cessation of those attacks, a cessation of those groundless aspersions, a cessation of those base suspicions, a cessation of those ungenerous, false, and foul calumnies which have lately been poured out in such scandalous profusion, through the press, and in speeches, for the last twelve months. What I ask, my Lords, is simply this: that if you refuse to tell us, or rather, if you refuse to tell the Government, and the Poor Law Commissioners, what the charge is against them,—if you refuse to try them on such charge,—that, being so untried and unaccused, you will not pronounce a sentence of condemnation; nay, more, that you will not proceed to inflict punishment. This is all I ask. I ask for strict justice; I ask not for any favour. Less than justice your Lordships will not give; more than justice I disdain to require.

# SPEECHES

ON THE

# ESTABLISHMENT OF THE LIVERPOOL MECHANICS' INSTITUTE.

DELIVERED AT LIVERPOOL,

JULY 20, 1835.

# INTRODUCTION.

THE following speeches were delivered on the occasion of founding a new Mechanics' Institute at Liverpool. Beside the topics more immediately connected with the solemnity, the second of the speeches touched upon Lord Brougham's position with relation to the New Ministry. He distinctly stated that he did not in any sense belong to their party; that his party was the people and the country; that he should support the Government as long as it abided by its professed principles; and that when it deserted those principles he should abandon its support, and see whether the people would stand by the Ministers or by him. He particularly specified two questions upon which he promised to support them, the Municipal Reform, and the Reform of the Irish Church. In the month following this speech, he fully redeemed the first of these

pledges. It has been out of his power, or any other man's, to redeem the other; because the Irish Church Reform no longer rests at all upon its former principles.

But although notice was most plainly given by Lord Brougham, that he should be found among the friends of the Ministry no longer than they adhered to their popular principles; and, above all, no longer than they showed a disposition to make the Reform Bill bear its appointed fruit of a good and cheap government, the senseless advocates of the Ministers have betokened much surprise at his openly and strenuously opposing them when they took a course infinitely beyond any thing that in 1835 could be even imagined—when, as soon as the accession of the Queen threw the whole Court into their hands, they ostentatiously avowed themselves hostile to all improvement of the Reform Bill, even to the correction of its most manifest defects—when they made war upon the rights and liberties of the whole Canadian people, suspending their free constitution, and proclaiming a Dictatorship, because a revolt had broken out in the corner of one or two parishes, occasioned by acts of gross legislative violence and injustice—when they framed their new Civil List upon the most exploded and unreasonable principles, and without the least regard to the economy which the people have an unquestionable right to demand—finally, when they refused to comply with the voice of the whole people by emancipating the Slaves, encouraged even a revival of Slave Trading, and exercised their absolute control over the arrangements of the Queen's household, by dismissing Lord Charles Fitzroy from her

Majesty's service, as a punishment for conscientiously voting against the continuance of Slavery.

It is confidently believed, that no person of ordinary discernment and the most limited portion of fairness, can read the notice so plainly given in the second Liverpool Speech,* of the terms on which alone Lord Brougham would continue a supporter of Government, and say that he could now be found among their friends without an utter abandonment of all the principles which he professed in 1835, and which indeed, were those of his whole public life. It is equally clear, from his supporting the Ministry in 1835—from his giving them no opposition in 1836—from his only opposing them upon their Canada Bill in 1837—and from his beginning the opposition which he has given them during the present session (1838) as soon as they declared against Reform, and Emancipation, and also against Economy—that their own conduct alone has caused the separation; and that no falsehood was ever uttered, even in the utmost heats of political discord, with so audacious a disregard of the most notorious facts, nay, of the most recent and best known dates themselves, as that insinuation which would connect his opposition with the fact of his holding no office in the present Ministry. He ceased to hold office in the Ministry, April, 1835; he strenuously supported them all that year. Another Chancellor was appointed in 1836. Lord Brougham abstained from opposing them

* This speech was published and circulated extensively, in July 1835, in a penny pamphlet, from which it is here exactly reprinted.

even when they abandoned his Plurality Bill, and brought forward a Chancery Reform so utterly ridiculous that every party gave it up, and its authors themselves speedily abandoned it to universal scorn. He even abstained from attending in Parliament that Session, because he was apprised by the Ministers that his doing so would be fatal to the Government. In 1837, he pursued the same friendly course wherever he could, and only gave a reluctant opposition to the unconstitutional Bill for seizing the Canadian Money without the people's consent. When, secure in Court favour by the entire possession of the Queen's whole authority, they proceeded to abandon almost every one important ground on which he had ever agreed with them—then, and not before, his opposition began. If the Ministerial advocates have any proofs to give of political or party obligation,—or, above all, any one single personal reason, arising from personal obligations of any sort whatever, why he should—not adhere to them—(for that would be to abandon his own opinions)—but mitigate the expression of his dissent from them—or in any way show forbearance towards them personally—it will be far better to give those proofs and reasons, and, above all, those facts, than to persist in distorting plain well known facts, disregard dates, and re-echo groundless and unintelligible complaints.

But these matters are personal and comparatively insignificant. Their interest, though intense, is transient; they occupy after times as little as they wholly engrossed attention at the moment; their contemplation leaves no trace but a sigh behind,—"O fallacem hominum spem, fragilemque fortunam, et

inanes nostras contentiones!"—The important result of the great meeting which these speeches commemorate, and the consolatory inference to be drawn from them, is the wonderful improvement to which they bear testimony of the public mind at Liverpool upon every thing connected with Slavery and the Slave Trade, within the compass of a few years; and the irrepressible demonstrations of a steady and ardent Love of Peace which the allusion to that important subject drew forth from the whole of an immense assemblage of all ranks, and sects, and parties—the whole community of the second town in the kingdom.

# SPEECH

## ON LAYING THE FOUNDATION STONE.

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GENTLEMEN,—Often as I have been in Liverpool, and delighted as I am always to see my fellow-citizens of this place, I confess that there are some circumstances which make my present meeting with you much more gratifying than it has ever been at other times. I do not mean to say that I at all undervalue the extreme importance of the occasions on which I formerly met you: I consider, and I don't disguise upon any occasion my fixed opinion, that political meetings are the right, and the privilege, and the duty of Englishmen; nevertheless, so long as men are men, they will take different views of the same things, and in proportion as the subject of their discussion interests them, they will be apt to differ widely and strongly in their opinions; the consequence of which is, that on political subjects we have many dissensions—are split into many parties, and are separated by many shades of opinion, which, the more honestly and the more conscientiously they are entertained, the more difficultly will they be compromised or surrendered. Hence when I formerly came amongst you, I met only a part of the community, because I only co-operated with

that party who agreed with me in political sentiments. I am happy to say that the present occasion is one on which there can be no difference of opinion: to-day, Whig and Tory, Churchman and Dissenter, Priest and Layman, Catholic and Protestant, English, Scotch, and Irish, Radical and Constitutional Reformer, the moderate and the violent,—all are agreed in favour of Popular Education. This it is that gives me such sincere satisfaction in seeing you assembled on the present occasion. I meet you on neutral ground, on ground which knows no difference of opinion; and I meet all my fellow-citizens, of all parties, without jarring or animosity of any kind whatever.

Nothing can exceed the importance of the pursuit in which we are now engaged. It is to diffuse the blessings of knowledge amongst all classes of the community; to afford the means of instruction in the most useful arts to by far the most useful members of this great community. The establishment of a Mechanics' Institution at Liverpool I look upon as one of the most important eras in the history of its people; as the origin from which may be expected to spring the greatest improvement in the arts and sciences, and the happiest results upon the condition and the morals of the people. There needs only one observation to illustrate this truth. During the last hour and a half, whilst travelling in one hour the thirty miles between this town and Manchester, the subject that constantly presented itself at every step of the way—almost the only subject that the immense velocity of the motion left me time to think upon—was, to what and to whom we owe this most astonishing power—this revolution in the situation of mankind with relation to the globe we inhabit? In their distance from each other, and for every purpose of intercourse, Manchester and Liverpool are, as if by magic, brought within one-fifth

part of their distance ten years ago, and within one-tenth part of their distance a century before that. What has worked this most extraordinary change? What is it that enables man to move almost with the wings of the dove, and perform the various operations of business, or amusement, or pleasure, attending to private affairs, or to public concerns, half a dozen times in the course of the day, at places thirty miles asunder, operations which, in former ages, it would have taken a week to accomplish? What is it that makes the distance between Manchester and Liverpool nothing,—which will enable us shortly to proceed from Liverpool to Birmingham, or from Liverpool to London, in eight or ten hours at furthest? What is the power that annihilates, as it were, the space which separates different communities of men,—or walking on the waves, brings the continents buried in the heart of America down to the seacoast, and civilizes their inhabitants by commerce and intercourse with their fellow-men? Why, it is Steam, subdued to the use of man, and made as docile and a thousand times more powerful than any domestic animal, instead of being the source of terror and dismay by its devastations. And who was it that subjugated this mighty power? A working mechanic, James Watt, whose name ought to live for ever, not in the annals of his country alone, but of his kind, as the common benefactor of the human race. James Watt was a maker of mathematical instruments,—a mechanic,—respectably connected it is true; but nothing is so respectable as personal good conduct, genius, and knowledge, which may be possessed by the peasant as well as the prince. What was it subjected steam to us, but the skill, industry, and capacity of that working mechanic of the town of Greenock, in Scotland? For myself, I think that there is not one of the Mechanics to be taught

in this Institution, of which we have now been laying the Foundation Stone, who may not expect in future times to add to the discoveries of Watt, to increase further the powers of his species, to extend the resources of his country, and to benefit all mankind by the application of his knowledge to the safest, most innocent, and most useful of all conquests—those won over the inert masses of matter—in the most beneficial of all alliances, those formed with its energies and powers. Gentlemen, having to-day, for the first time, seen your railroad, I could not repress my sentiments touching the moral to be drawn from it, and I have, therefore, taken the liberty of detaining you so long. I press that moral on your attention; I congratulate you on the assembly of this day; I congratulate the town of Liverpool on the fruit which this Institution is certain in a few years to bear; and I thank you most heartily for the very kind reception which you have now as ever given me.

# SPEECH

## AT THE DINNER.*

GENTLEMEN,—I should attempt a vain task if I endeavoured to express my deep and grateful sense of the singular kindness with which you have received me to-day, as you have done on so many former occasions. It has been to me a truly gratifying circumstance that I have had the opportunity, at length, of performing a promise which various accidents had prevented me from fulfilling, made some year or two ago, of revisiting this place, for the purpose of observing more closely its Institutions connected with Education. I have been enabled to pay this long-deferred visit, and to be present at the highly interesting solemnity at which I believe all of us, all at least who are in the lowest and in the highest portions† of this immense assembly, with the exception, perhaps, of the middle and more interesting part of it,‡ have assisted, and assisted with the same feelings of satisfaction which the occasion has inspired in me,—I mean the laying of the Foundation Stone of a most important, and,

* This great assembly was held in the large theatre; the pit being with the stage arranged for the dinner, the boxes filled with ladies, and the galleries with other spectators.

† The pit and gallery.

‡ The ladies in the boxes.

as I trust it is fated to be, a lasting and a flourishing Institution. It is indeed impossible to consider, without sentiments of the most animating description, the occasion which drew us together in the morning, and which is connected, at least in some degree, with the assembly of this evening; for I have no hesitation in saying, that of all the improvements which have been made of late years in the condition of the people of this country, the diffusion of knowledge, both in science and in the other principles of their art, amongst the industrious portion of the middle classes, to whose use Mechanics' Institutions are more especially devoted, stands in the first rank amongst the very foremost. These Institutions have spread within the last ten or twelve years prodigiously over the country. But they did not originate ten or twelve years ago. Strict justice requires me to remind you that a much earlier date is to be taken as the origin of these useful Establishments; for, though the London Mechanics' Institution was established in 1824, principally through the efforts of its chief founder and most munificent patron, Dr. Birkbeck, he had, twenty-four years before, established the earliest real Mechanics' Institution in the city of Glasgow, where he first gave scientific lectures to humble artisans. Some have doubted whether he were the first that suggested the Institution of London; some have claimed to share with him the praise of executing that great design; but be it that he had coadjutors in planning, as it is certain he had in executing it, I care not,—for he was only taking a leaf out of his own book, twenty-four years old, which I have in my possession, printed at Glasgow in the year 1800, and in which there is a proposal of the first course of lectures on subjects of science, which ever any man of science delivered to the mere men of art. Having stopped, therefore, to render this debt of gra-

titude, or rather of strict justice, as I never fail to do as often as I attend meetings connected with the Education of the Working Classes,—as often, especially, as I attend meetings of Mechanics' Institutions,—I will proceed to add that his great merit does not eclipse that of his associates, and, therefore, ought not to erase from our minds the gratitude due to those who have helped him in the good work, and are following his bright example. In London he had co-adjutors at the establishment of the first Mechanics' Institution; in Manchester, Sheffield, Leeds, Birmingham, and most of the manufacturing towns, he has had followers; and, thank God, many more are rising still from day to day, extending the system, and spreading its benefits still more widely. I will venture to say, however, that of all the instances in which his name has been commemorated with honour, there is none which will afford him such heartfelt satisfaction, as the reception you have now given to the mention of it, because he is your neighbour, and all but born and bred in the county palatine of Lancaster.*

And now, gentlemen, I hope and trust that those who assisted this morning at the solemnity of laying the Foundation Stone, and those who are here this evening, will remember that we are celebrating a festival, in part, at least, connected with the Institution,—the festival of Education, the festival of Popular Improvement, and of Public Virtue, which is intimately connected with general instruction, and which cannot rest on any basis so sound as that of a scientific, moral, and religious education.—I name these three branches in the inverse order of their importance;—and, moreover, because this is the festival of Education, public

* Dr. Birkbeck's most respectable family has long been established at Settle, in Yorkshire.

improvement, and public virtue, it is the festival also of peace and good-will to mankind. This is the festival of the arts of peace at home, as rising proudly above all the arts of the seditious, the factious, the incendiary, and the destructive,—the festival of that greatest of public blessings, after internal tranquillity, I mean peace with all the world; peace with America, our kinsmen; peace in Ireland, our sister country; peace with the great and enlightened, and, I thank God, now the *free* people of France, our nearest neighbour, and, therefore, even as our sordid interests are concerned, our best customer and best market, if nations were but wise, and their Government and our Government would only learn that the nearest neighbours are the most profitable customers one to another. This is the kind of festival which, as connected with the morning's operations, we are this evening met to celebrate; and there must further be added, not the least of the other accompaniments of the toast which you have been pleased so kindly to receive as connected with my name,—the great corollary of Education, its precious fruit, the blessing of Civil and Religious Liberty. On such an occasion, therefore, I need only remind those who were present this morning, and you who are here now, that there is no duty more sacred, none which presses more upon your attention, or better deserves your strictest performance at the present time, than to give your hearty, effectual, and speedy encouragement to the great Institution which we were earlier in the day met to establish. I am happy to inform you that an admirable beginning has been made by a friend, who conceals his name under the three last letters of the alphabet, but whose praise I could not sufficiently speak if I were to take all the letters of the alphabet, and put them into any form of words into which they could be combined.

That friend has sent no less than the sum of £100 for the purposes of this Institution.

Here, then, Gentlemen, I might, perhaps, take my leave of you, having drawn your attention to what is really the principal subject of our present consideration; but one or two things press so strongly on my mind, and left so lively an impression upon it this morning, that I cannot but detain you a little longer to express the feelings which I have been filled with. In the first place, then, having come, for the first time in my life, on the magnificent work which unites Manchester with Liverpool, and which, as it were by a miraculous interposition of human art, under the blessing of Divine Providence, has overcome the distance of space that separates the two towns, and has brought Manchester close upon her great outlet to the commerce of the world, I have not been able to keep my mind from the contemplation of the subjects which that short journey, though over a long distance, forced upon my attention. I reminded you this morning that all this was owing to a Mechanic, who had received a good Education; that it was all derived from his happy application of the principles of science, which that Education had implanted deeply in his mind, to the improvement of the arts. But another thought struck me, to which I cannot avoid giving utterance, and which I did express to those friends who accompanied me on the journey. When I saw the difficulties of space and time, as it were overcome, —when I beheld a kind of miracle exhibited before my astonished eyes,—when I surveyed mosses pierced through on which it was before hardly possible for man or beast to plant the sole of the foot, and now covered with a road and bearing heavy waggons, laden not only with innumerable passengers, but with merchandise of the largest bulk and heaviest weight,—

when I saw valleys made practicable by the bridges of ample height and length which spanned them,—saw the steam railway traversing the surface of the water at a distance of sixty or seventy feet in perpendicular height,—saw the rocks excavated, and the gigantic power of man penetrating through miles of the solid mass, and gaining a great, a lasting, an almost perennial conquest over the powers of nature by his skill and his industry,—when I contemplated all this, was it possible for me to avoid the reflections which crowded into my mind,—not in praise of man's great deeds—not in admiration of the genius and perseverance which he had displayed, or even of the courage which he had shown in setting himself against the obstacles that matter had opposed to his course,—no, but the melancholy reflection that whilst all these prodigious efforts of the human race, so fruitful of praise, but so much more fruitful in lasting blessings to mankind, and which never could have forced a tear from any eye, but for that unhappy casualty which deprived me of a friend and you of a representative,* a cause of mourning which there began and there ended; when I reflected that this peaceful, and guiltless, and useful triumph over the elements and over nature herself, had cost a million only of money, whilst 1500 millions had been squandered on cruelty and crime,—in naturalising barbarism over the world,—shrouding the nations in darkness,—making bloodshed tinge the earth of every country under the sun,—in one horrid and comprehensive word, squandered on WAR,—the greatest curse of the human race, and the greatest crime, because it involves every other crime within its execrable name, and all with the wretched, and, thank God, I may now say, the utterly

* Mr. Huskisson's death in 1830, on the opening of the Railway.

frustrated,—as it always was the utterly vain,—attempt to crush the liberties of the people? *(Here the company rose simultaneously, and greeted this sentiment with deafening cheers.)*—I look backwards with shame—with regret unspeakable,—with indignation to which I should in vain attempt to give utterance, —upon that course of policy which we are now happily too well informed and too well intentioned ever to allow again whilst we live,—when I think that if 100, and but 100 of those 1500 millions, had been employed in promoting the arts of peace, and the progress of civilization, and of wealth, and prosperity amongst us, instead of that other employment which is too hateful to think of, and almost now-a-days too disgusting to speak of,—(and I hope to live to see the day when such things will be incredible,—when looking back we shall find it impossible to believe they ever happened)—instead of being burthened with 800 millions of debt, borrowed after spending 700 millions, borrowed when we had no more to spend,—we should have seen the whole country covered with such works as now unite Manchester and Liverpool, and should have enjoyed peace uninterrupted during the last forty years, with all the blessings which an industrious and a virtuous people deserve, and which peace profusely sheds upon their lot.

Gentlemen, I have not only seen your railway, and drawn my moral from that, but I have seen Liverpool, and, though I was here for a morning five years ago, —the day the railway was opened,—and saw then the important improvements made during the interval which separated that from my former visit; yet I never come, and never shall come, however short the interval, without seeing astonishing proofs of the progress this great town is making. To go no further, I went to the docks, and I believe all Europe does not

present a more interesting spectacle than the line ending with the new graving docks, all of which have been made since I was last here. Whilst contemplating these improvements, I was happy in considering that all is now taking the right course,—that instead of a gambling, speculative sort of trade, too generally driven by great seaports, and from which London itself is not exempt, there is in Liverpool a much more healthy, and a much more moderate, I mean a more secure, more extensive, and unquestionably a more beneficial trade for the prosperity of the country at large. But, Gentlemen, there was one change, one prodigious improvement which I saw most strikingly exemplified, and there is not any which does greater honour to the name of any community under the canopy of heaven, than the commercial revolution to which I allude. I was taken to a vessel lying in one of those docks. It had once been a Slave-ship. It was the only Slave-ship I ever beheld, often as these dreadful vessels of wrath had been present to my imagination. This ship had been captured by a king's cruiser in the South American seas. It had been filled with pirates. I grieve to say three of those pirates were Englishmen; I grieve yet more to say that the captain was himself of our nation. There had been 750 wretched slaves in a vessel of 300 tons burthen, and there had been to keep them in order, beside the chains, 75 ruffians,—pirates,—slave-dealers. I know that thirty or forty years ago I durst as soon have cut off my right hand, or had the tongue I speak with burned out of my head, as uttered what I have uttered to you this instant. And I'll venture to say that there is not one man who now hears me, but cordially exults in the sentiment I am about to express,—Blessed be God that we have lived to see the day when this hellish traffic is declared to be piracy by law, as it in

all times was in its own nature! The English captain of this slaver died on the spot, pierced with many wounds, after behaving with a bravery worthy of a better cause; but the other three Englishmen who degraded themselves by engaging in this horrid crime, are now in a dungeon, about to suffer the capital punishment due to their guilt. There are many instances of nations having, in the slow course of ages, improved their opinions, mended their habits, bettered their morals, left vicious and taken to virtuous courses; but Liverpool is the only community which, within the memory of one generation of short-lived men, has exhibited this moral miracle, and abandoned a gainful, because it was a guilty, commerce.

I ought to apologize, Gentlemen, for detaining you so long; but I shall continue to trespass on your attention for a little while. I ought, as some amends for the very singular kindness which you have bestowed on me, and which, indeed, I should perhaps have felt the more, had I less expected it,—for the kindness I have always received from the town of Liverpool during a quarter of a century, exceeds any powers I have to describe it; but I should make ill amends for it, if I did not say that I do not feel I am doing any thing wrong,—that I never felt I was degrading any station in which it pleased Providence to place me by coming forward freely, and meeting my fellow-citizens. I know that my doing so has been objected to, and I know that my attendance at one dinner in particular was made the topic of censure; but I care not for it now, and I cared not then. I may, however, say, that the only dinner I voluntarily attended when in Scotland, last year, was one given, which I was urged to accept by my friend Mr. Bannerman, the member for Aberdeen. There was another,—that given to Earl Grey at Edinburgh,—to

which I could not avoid going, without giving currency to the most ridiculous of all strange falsehoods, then propagating by the hireling and slanderous press, namely, that Lord Althorp and myself had endeavoured to turn Lord Grey out of the Ministry. I had, indeed, two letters from Earl Grey, acquitting us of such a wild plot as cutting our own throats by cutting Earl Grey's would have been,—and one of them stating that none of his colleagues had made such constant efforts, up to the last moment, to keep him from resigning, as Lord Althorp and myself did. I was not satisfied with that. I thought that if I did not go to meet Earl Grey at Edinburgh, as I was pressed by my liberal fellow-townsmen to do, I should give additional currency to that most absurd and wholly unaccountable calumny. Yet it was said, "Who ever saw such a thing in this world?" What! a Chancellor—a Lord High Chancellor—attending a public dinner!" I really expected next to hear,—and it would have struck me with no more astonishment,—"Did any mortal breathing ever hear of a Lord High Chancellor dining at all?" Now, as the charge against public men for attending public dinners is, in the eyes of some, a very grave one, I feel "for my order," who are thus traduced in my person; and I am bound to defend them as well as I can. I feel for the illustrious living, and also for the departed greatness of the country; I feel, not only for such men as your late lamented representative, Mr. Huskisson, who never shrank from meeting his fellow-citizens in public; but I feel still more for another of your late representatives, who was a still greater sinner in this way, because he met the public, not only at dinners, but in the morning, and also in the evening, when there was not the excuse of a good dinner for his so doing. I did not change my opinions to join him; he became

liberal at the close of his career; I gave my most cordial and disinterested support to his government, though I declined to join it;—I need hardly tell you that I mean the late Mr. Canning. Gentlemen, Mr. Canning was subject to the same imputation.

Let me not confine myself to Liverpool. I am bound to defend other illustrious men from the same charge, and, principally, the late Mr. Pitt. Though I differed with him in politics,—though I deeply lament the course which the alarmists and the Court seduced him to take,—though I have done my best to guard against a similar seduction, from the very same quarters, at the present day, and have, therefore, the satisfaction of being out of office, instead of being still clothed with power—I admit,—who does not?—that Mr. Pitt was a great minister, a great orator, and a man of unsullied public virtue, as far as freedom from mean, sordid, and despicable views could make him such. He sacrificed much to ambition, he sacrificed much more to the love of place, which I think, in him, was not love of power, because he consented to hold office without that influence which every minister ought to possess, if he means to act wisely and honestly for the good of this country; but he had great and good qualities notwithstanding; and I am ready, differing wholly as I do from his politics, and agreeing with his early principles, to which his whole course while in power presented a frightful contrast, —I admit his great qualities, as every man who has the least regard to truth, or any candour in his composition, must cheerfully allow. I am, therefore, in defending myself from this charge, also defending Mr. Pitt,—for he attended public meetings; he addressed his fellow-citizens after public dinners; he uttered at a city banquet a sort of counter-manifesto to that of Bonaparte, then first made Emperor of France and

King of Italy, by himself, and who had denounced as the cause of war, and the object of his hostilities, our ships, colonies, and commerce. The counter-manifesto was made, not in France, or even off the coast of France, but more conveniently at a dinner at Guildhall, where Mr. Pitt, not satisfied with the victory gained by Lord Nelson at Trafalgar, over the combined fleets of France and Spain, on the 21st of October, attended on the 9th of November following, and after an eloquent speech to the ladies and gentlemen in dining-room assembled, gave, as a toast, by way of answering the manifesto of the Emperor Napoleon, with a sarcasm, in which he excelled all men, —"The ships, colonies, and commerce of England." Him, therefore, I defend also from this charge. But it will be said he only was a Chancellor of the Exchequer. Well, then, I must even undertake the defence of my venerable and learned friend the Earl of Eldon, from whom I never received any thing but kindness in the course of my professional life; for whom, as a lawyer, I feel the greatest possible admiration, in common with all lawyers; under whom I, his humble successor, studied the principles of the court in which he presided for twenty-five years; and whose judgments I respect as a pure fountain of equity. I therefore pay a debt which I owe to him as the Chancellor who preceded me, as the Judge under whom I practised, as the master from whom I drew my knowledge, when I defend him from the gross, the foul, and the bitter charge of a Lord High Chancellor of England daring to meet his fellow-countrymen in public. Year after year did my venerable predecessor, when holding the Great Seal, attend public dinners, sometimes with Mr. Pitt, sometimes without him; and after Mr. Pitt's decease, Lord Eldon knew no better mode of testifying his respect for his departed friend and leader's me-

mory than by annually delivering a very impressive speech at the dinner to celebrate the anniversary of Mr. Pitt's birth. Shall it be said, then, that it is unexampled in a Lord Chancellor to attend public dinners? Those enemies of mine, who never come into sight, but are exceedingly active mining under ground and working in the dark, had better betake themselves to some other charge, at least while Lord Eldon is allowed to remain an ornament to his country.

Having endeavoured to state the precedents, and to defend the character of the illustrious men now no more, and of those who are still preserved to us, permit me now to say that it has been at all times not merely a privilege of public men to meet their fellow-citizens on fitting occasions, but a privilege of the people to have public men constantly coming before them, and a duty of those men to come before the people freely, without the nonsense and hauteur with which some idle folks choose to invest themselves by way of avoiding responsibility to the people; by way of making the people more easily led and misled; and by way of making them safe to govern and misgovern,—the policy, and the tactics, and the trick of those who, of late years, have been pleased to make the discovery that Ministers have no business to attend public meetings. One other word I must add on this score; none of those who choose to confine their public appearances to after dinner exertions will ever find me do so. I appear here once in eight years, but I live in Parliament. Whatever others may do, who appear nowhere but at such meetings, my life is passed where it ought, at my post in Parliament.

Gentlemen,—I know it has been also said, it has been very lately said, that I do not hold the same doctrines, and pursue the same course, in office and out of office; that I feel no difficulty in coming here

to-day, and exalting the people by magnifying their means and their power, in exciting their hopes by holding out the prospect of still further improvements; and that, whilst in office, I shunned the people, did not magnify their means, did not hold out hopes of greater reforms, but did all that in me lay to relax the pace at which public reforms were going on. Gentlemen, never was a charge more ridiculous. The insinuation is about as true as it is consistent, and it comes with a strange grace from the very persons who condemned my attending meetings while I held the Great Seal. But it seems I preached up cautious reform in those days, and complained of those who were impatient. I said precisely then what I say now, that crude, rank, precipitate reforms are worse, and worse for the cause of reform, than standing stock still. I then, as now, treat those as the most absurd and thoughtless of men who complained of the Government I was connected with for doing too little since the Reform Bill was carried. I then thought, and still think, that a more groundless charge never was brought against any men than the accusation of doing little, brought against those who, in two sessions of Parliament, had Emancipated the Slaves of the West and the Commerce of the East,—settled the Bank Charter,—reformed the whole Scotch Municipal Corporations,—improved the Criminal and Civil Law,—swept away the abuses of the Court of Chancery, and, though last, the greatest of all, abolished for ever the debasing system of the abused Poor Laws. But have I not now, when out of office, practised exactly what I preached when in power? Have I confined my consistency to using the same language in and out? No such thing. I have acted towards this Government, whom these silly persons are endeavouring to serve, precisely as I asked others to act by myself last

year. What were the measures I was then most anxious to see carried? The Local Courts Bill, to bring cheap justice home to every dwelling; and the Bill for at once abolishing the Pluralities and Non-residence of the Clergy. These great measures were ready prepared; they were, after infinite pains, digested in bills; those bills were even printed; all was ready for carrying them through Parliament; and my belief was, that this Government, which professed to approve them, could have passed them into laws. But I have carefully abstained from urging them forward, because I knew it would embarrass them in some quarters. I have never pressed the subject in any way, because I was satisfied with what the Ministers are now engaged in doing, or endeavouring to do; and which, backed by the people, and relying only on their support, I trust they will succeed in accomplishing, I mean Municipal Reform and the reformation of the Irish Church. Is not this demonstrative of the silly falsehood of that charge? Can any thing more be wanting to show that my conduct in 1835, out of office, is exactly what I recommended while a Minister, in 1834? No, no, Gentlemen; trust me, it is because my principles do NOT *so very easily bend to circumstances and take their hue from situations,* that we now meet on the same level, and that I no longer am in the service of the State.

Moreover, I will fairly own that it must be a very good and active Government which I will ever consent to join. Unless I see a prospect of governing with the power of really serving the people,—unless I can find a Government strong to do so, and willing, my present position of absolute independence suits me best. It must be a Ministry of that kind, and which will do much, much, much, to relieve the intolerable burdens of this nation, and bless it with a

very, very, very cheap Government, that shall tempt me to abandon my post with and in front of that people. Digest your measures well,—be not rash, be not precipitate,—be not impatient whilst you see that honest men have hold of the helm of the State, and that important measures are in progress under their auspices. Such now is and always was my advice. I too shall get impatient if I find that they flag,—I too shall get suspicious if I find that they flinch; but in the meantime I shall be one of the humblest, perhaps the most superfluous, but certainly the most zealous of their defenders, in a House where defenders do not superabound. In the country I happen to be better acquainted with the people than any of them, and I shall be, as I have been, their supporter out of doors as well as in Parliament, where I never decline to appear on any occasion, in office or in opposition. In all places I shall be their defender, till they give me cause to leave them; and when I do leave them, I believe I shall not alone quit them,—I believe that when I abandon them, it will be because they have abandoned the people; and whether the people will cling by me or cling by them, is a question which I will not delay a moment to ask or have answered.

Gentlemen, it has been most justly said, that this is essentially not a party meeting; but there is no such thing in these times as public men coming among their fellow-citizens and no mention being made of politics. I trust I have given offence to no one by stating that my opinions are now what they always were. But I never grudged any man the credit he might get by altering his opinions for the better; and I think it truly unfortunate that a disposition has lately sprung up among us, to turn our backs on those men who were our adversaries, but are now willing to range themselves in the great class of Reformers. For

my part, if any man, be his name what it will,—Melbourne, Grey, Russell, Althorp, Wellington, or Peel,—will change bad opinions for good ones, coming over to us not for the lust of power, not to bolster up a falling Administration, but to help forward good measures, and give the people a chance of good government,—I am the last man in the world to inquire what he did before. I say, "What do you now?" "God forbid that I should twit you with ever having been worse than you are now disposed to be." This has been, right or wrong, my constant principle. I am reminded of it by Liverpool, and all I see around me. Did I not here conflict for weeks with Mr. Canning, in 1812? Yet did I not, after fifteen years, support a Cabinet at the head of which was Mr. Canning, because he had taken up liberal opinions on foreign questions, as well as on matters of domestic policy? I said then, "You have changed to liberal politics—I should not have gone over to you, but you have come over to me, and I will support you." Did I not, in 1830, and did not Earl Grey and Lord Althorp with me do the self-same thing? Lord Melbourne, Lord Glenelg, then Mr. Grant, Lord Goderich, formerly Mr. Robinson, the Duke of Richmond, the enemy of Catholic emancipation, but one of the most honest, conscientious, and enlightened men, nevertheless, that I know,—Lord Palmerston; every one of these five were supporters of Lord Castlereagh's Six Acts. Yet I sat in the same Cabinet with them, and I support three of them who are now in office, because they, in conformity with the improving spirit of the age, have come to be liberal. Earl Grey, Lord Althorp, Lord John Russell and myself never changed our opinions at all; we were, in 1831, and had always before been, Parliamentary Reformers; these five had all been strong Anti-reformers down to the last moment, but I said, "Let us act to-

gether for the good of the people, and to promote the cause of good government, since they have left their former opinions and come over to ours." I see no sense, Gentlemen, in dealing out a different measure to others who have been our opponents, if indeed we act not for a party, but for the people. Our common object ought to be the general good, and that will never be promoted if we make war not on those who oppose us, but on the converts to our views.

Gentlemen, it has been kindly and judiciously said, in some of the public prints opposed to us, one of which was presented to me before dinner, that it is all very well for the poor dupes of Liverpool to invite me to a public dinner, for they are but a part of the people, and Liverpool is, it seems, the only town that would give me such an invitation. Then, if it be so, I am sure I know not why;—for *I* never *bribed* in Liverpool; *I* never *treated* in Liverpool; I never either bought or sold the freemen; I never resided in Liverpool; I never traded in Liverpool; no man in Liverpool was ever the better for me, excepting as other subjects of the realm may have been benefited by my endeavours to promote the common good. But are those good folks quite certain that you are so singular in your taste? I would not have them be too sure of that. In fact, it is a most ridiculous fiction. No sooner did I come home, last February, to the city of London and Westminster, than it was proposed to invite me to a public dinner, not confined to one party, and I declined accepting it, because, living there, I have constant opportunities of seeing my fellow-citizens. I have also received invitations from various places in Lancashire, Yorkshire, and elsewhere, even on this journey; and I believe no such public meetings were ever held in London as the four at which I presided last May, and each of which was attended by

thousands. So much for the charge against the town and people of Liverpool. It is, perhaps, not worth so much notice; but having defended Mr. Pitt, Mr. Canning, Mr. Huskisson, and Lord Eldon, from a charge common to us all,—I should have been the most ungrateful of men if I had not also defended you against this charge, which has been brought against you, of having a singular taste.

To one charge, however, which they bring against me, I must, no doubt of it, plead guilty,—I have not found favour with the courtiers, and I am no longer in office. My political habits; my principles; my popular feelings; the perpetual struggle of my life for the rights of my fellow-citizens; the determination which guides my public conduct that the interests of the people shall be the sole rule of the Government; above all, my fixed and unalterable resolution that the Reform Bill shall bear its natural fruits, by giving this country at length a really cheap Government, without which it is a useless and barren stock;—all these things are the worst of crimes in the eyes of a Court, and the result of them is, that I now meet my fellow-citizens in a private station, and absolutely independent in the performance of all my duties. Nor do I boast of having made any great sacrifice.

If it were not somewhat late in the day for moralizing, I could tell of the prerogatives, not so very high, the enjoyments, none of the sweetest, which he loses who surrenders place, oftentimes misnamed power. To be responsible for measures which others control, perchance contrive; to be chargeable with leaving undone things which he ought to have done, and had all the desire to do, without the power of doing; to be compelled to trust those whom he knew to be utterly untrustworthy, and on the most momentous occasions, involving the interests of mil-

lions, implicitly to confide in quarters where common prudence forbade reposing a common confidence; to have schemes of the wisest, the most profound policy, judged and decided on by the most ignorant and the most frivolous of human beings, and the most generous aspirations of the heart for the happiness of his species, chilled by frowns of the most selfish and sordid of the race:—these are among the unenviable prerogatives of place,—of what is falsely called power in this country; and yet I doubt if there be not others less enviable still. To be planted upon the eminence from whence he must see the baser features of human nature uncovered and deformed; witness the attitude of climbing ambition from a point whence it is only viewed as creeping and crawling, tortuous and venomous, in its hateful path; be forced to see the hideous sight of a naked human heart, whether throbbing in the bosom of the great vulgar or of the little,—this is not a very pleasing occupation for any one who loves his fellow-creatures, and would fain esteem them; and, trust me, that he who wields power and patronage for but a little month, shall find the many he may try to serve furiously hating him for involuntary failure, while the few whom he may succeed in helping to the object of all their wishes, shall, with a preposterous pride, (the most unamiable part of the British character,) seek to prove their independence, by shewing their ingratitude, if they do not try to cancel the obligation, by fastening a quarrel upon him. Yet to even all this I might have reconciled myself, from a desire to further great measures, and from the pleasure which excitement gives to active minds, or, if you will, from the glory which inspires ambitious notions among statesmen as well as conquerors. But worse to be endured than all, was the fetter and the cramp imposed on one used to independence,—the being

buried while yet alive to the people's condition and claims—buried in the House of Form and Etiquette, appointed for all ministers.' Who, then, can marvel at the exultation which I feel, to shake and to brace every fibre of my frame, when, casting off these trammels, bursting through the cerements of that tomb, I start into new life, and resume my position in the van of my countrymen, struggling for their rights, and moving onwards in the accelerated progress of improvement with a boundless might and a resistless fury, which prostrates in the dust all the puny obstacles that can be raised by the tyranny of courts and their intrigues, the persecution of bigots and their cunning, the sordid plots of greedy monopolists, whether privileged companies, or overgrown establishments, or corrupt municipalities? In this proud position I am now placed; and I have no desire at all to leave it. I am once more absolutely free, the slave of no party, at the mercy of no court intrigue, in the service of my country, and of that only master. Firm on this vantage ground, it must indeed be an honest Government, and a strong one, a Government which promises much for the people, and is capable of accomplishing much of what it promises, that can ever tempt me to abandon my independence in the front of my countrymen, and enlist with any ministry whatever.

Let us, as well we may, heartily rejoice in the magnificent prospect which now lies before us of good government, general improvement in virtue, and the attainment of national prosperity through the restoration of the people's most unquestioned right, a cheap administration of their affairs, a substantial, effectual relief of their heavy burthens. The enemies of improvement have, indeed, of late years, confessed by their conduct the hopelessness of any further attempt

to obstruct its progress; they have bent before the wave, from fear of being swept away by it; and they now have recourse to sneers and jibes at the instruction of the people. We are called Schoolmasters,—a title in which I glory, and never shall feel shame. Our Penny Science is ridiculed by those who have many pence and little knowledge. Our Lectures are laughed at, as delivered to groups of what those ignorant people in fine linen and gaudy attire call, after the poet, "lean unwashed artificers,"—a class of men that should be respected, not derided by those who, were they reduced to work for their bread, would envy the skill of the men they now look down upon. Let such proud creatures enjoy the fancied triumph of their wit; we care not for their light artillery (if, indeed, their heavy jests can be so termed,) half so much as we did for their serious opposition. If they are much amused with our Penny Sciences, I hope before long to see them laugh twice as much at our Penny Politics; because, when the abominable Taxes upon the Knowledge which most concerns the People are removed—I mean the Newspaper Stamp—we shall have a universal diffusion of sound political knowledge among all classes of the community; and if Lectures divert them so mightily now, I can tell them that preparation is making for affording them much more entertainment in the same kind by a very ample extension of the present system of Lecturing, and by including Politics in the course!

But there is nothing which these adversaries of improvement are more wont to make themselves merry with, than what is termed the "*march of intellect*;" and here I will confess that I think, as far as the phrase goes, they are in the right. It is a very absurd, because a very incorrect expression. It is little calculated to describe the operation in question. It does

not picture an image at all resembling the proceedings of the true friends of mankind. It much more resembles the progress of the enemy to all improvement. The conqueror moves in a march. He stalks onward with the "pride, pomp, and circumstance of war," banners flying, shouts rending the air, guns thundering, and martial music pealing, to drown the shrieks of the wounded and the lamentations for the slain. Not thus the Schoolmaster in his peaceful vocation. He meditates and prepares in secret the plans which are to bless mankind; he slowly gathers round him those who are to further their execution; he quietly, though firmly, advances in his humble path, labouring steadily, but calmly, till he has opened to the light all the recesses of ignorance, and torn up by the roots the weeds of vice. His is a progress not to be compared with any thing like a march; but it leads to a far more brilliant triumph, and to laurels more imperishable than the destroyer of his species, the scourge of the world, ever won.

Such men,—men deserving the glorious title of Teachers of Mankind, I have found labouring conscientiously, though perhaps obscurely, in their blessed vocation, wherever I have gone. I have found them, and shared their fellowship, among the daring, the ambitious, the ardent, the indomitably active French; I have found them among the persevering, resolute, industrious Swiss; I have found them among the laborious, the warm-hearted, the enthusiastic Germans; I have found them among the high-minded but enslaved Italians; and in our own country, God be thanked, their numbers everywhere abound, and are every day increasing. Their calling is high and holy; their fame is the property of nations; their renown will fill the earth in after ages, in proportion as it sounds not far off in their own times. Each one of these great teach-

ers of the world, possessing his soul in peace—performs his appointed course—awaits in patience the fulfilment of the promises—resting from his labours, bequeathes his memory to the generation whom his works have blessed—and sleeps under the humble, but not inglorious epitaph, commemorating "one in whom mankind lost a friend, and no man got rid of an enemy!"

# SPEECH

ON

# NEUTRAL RIGHTS,

DELIVERED IN THE HOUSE OF LORDS,

TUESDAY, JULY 10, 1838.

# SPEECH.

I WISH to call the attention of your Lordships to certain Orders supposed to have been issued by the Admiralty, if not authorizing the capture of Sardinian and Dutch vessels, at all events framed for the purpose of preventing the access of such vessels to the coast of Spain, on the ground that they are engaged in conveying warlike stores to Don Carlos, one of the belligerents, while we are assisting the other.

On a former occasion, I asked whether there would be any objection on the part of Her Majesty's Ministers to produce these Instructions, and I was told to make a Motion on the subject. I am, therefore, here to comply with that desire. The intimation which I had received of the Orders being issued, arose out of what took place immediately after the speech of my noble and learned friend opposite,* on the noble Marquess's† late motion. It had been stated or assumed by him, that the frigates in question, supposed to carry warlike stores, were to be stopped and warned not to go into any Spanish port. Of course, if the warning should be complied with, nothing further would take place. If the warning should be disre-

* Lord Lyndhurst. † Lord Londonderry.

garded, it was not said that force was in express terms directed to be used; but if the direction was, "do not use force unless the frigates persist,"—in other words, "unless force is necessary"—this is in effect a contingent order to use force; no Order to employ force ever issued that was not contingent.

I was anxious, in the first instance, to obtain the papers, if such were in existence, and to defer any statement on the subject until they were produced; but that having been refused, I am obliged to take the course I now adopt. The subject, your Lordships must be aware, is one of extreme importance, as it is intimately connected with the Law of Nations, with the honour of the country, and with the preservation of peace. In support of the position that all Fictitious or Paper Blockades are utterly illegal, are a gross infraction of neutral rights, I have the concurrent authority of all the jurists, and all the Judges who have ever delivered opinions, or ever pronounced decrees on the subject. It has been held to be the true and sound doctrine by all statesmen; it has regulated the conduct of all Governments, with the exception of the French under Bonaparte, when, intoxicated with power and rushing headlong to his own ruin, he fulminated against us the Berlin and Milan Decrees, which, however, have long since been, by the concurrent voice of all nations, stigmatized as illegal. Our Orders in Council, issued by way of retaliation and never defended on any other ground, led to much discussion of this question, in which, with my noble friend opposite,* in the other House, and even before I had the honour of a seat in Parliament, I long bore a principal

* Lord Ashburton.

part, contending for the sacred duty of upholding the rights of neutrality, as the best security against war, and the surest refuge from its evils. It is, therefore, a matter of course that I should feel peculiar anxiety when I find reason to believe that proceedings have been adopted by the Ministers of the Crown tending not only to violate those rights, but to tarnish the honour of the country, to betray her most important interests, to involve us in a contest with foreign powers, and to shake the peace of Europe and of the World. Impressed with this feeling of anxiety and alarm, I deemed it my bounden duty to lose no time in bringing so serious a matter before the House.

But as I am willing to avoid any lengthened statement or argument on the subject if I possibly can, I will state the three points on which I wish to receive information. I will put three plain questions, which may readily be met by three short answers. If those answers be given in the way I wish and hope they may, it will preclude the necessity of my uttering another word on the subject. If the first be answered in the negative, that question being, "Have any "such Instructions or Orders as I allude to been is-"sued?"—if to this the answer "No" can with truth be given, then away goes the whole matter which I would address to your Lordships.

But although that first question should, unhappily, be answered in the affirmative, still, if my second question be answered in the same way, or, it being admitted that such Instructions have gone forth, and the second question being, "Have you made the regular and requisite notification to all neutral states?"—if that be answered in the affirmative, then much of what I wish to learn will be obtained, and many of my observations will be spared.

But if both of these questions be answered in what I take to be the wrong way—if, unfortunately, the first be answered in the affirmative, and the second in the negative, and it shall appear that although the illegal Instructions have been issued, yet no warning has been given to neutral powers,—then comes my third question,—"Can you produce to me the opinion of the proper adviser of the Crown on such matters, Her Majesty's Advocate, or, indeed, of any lawyer whose name is known in Westminster Hall, that this conduct, on the part of the Government, is not a gross outrage on Neutral Rights, and a monstrous infraction of the Law of Nations?" If that third question be answered in the affirmative, then I am at issue with whatever law authority shall be quoted for such an opinion. I may bow to that authority; but I shall also take leave to say, that of late years the whole Law of Nations has undergone a radical change—that a new code has been established—and that what was formerly acknowledged by all jurists and all Courts to be the Law of Nations, has ceased to be so since the year 1834, when I quitted Westminster Hall. I am now in the hands of the noble Earl at the head of the Admiralty,* who will answer or not as seems fit to him, and as the facts within his knowledge enable him to do.

Viscount Melbourne.—I must decline giving an answer to the questions of the noble and learned Lord.

Lord Brougham.—Now, my Lords, when a noble Lord declines to answer questions of such a nature as I have propounded, it must be clear to the meanest apprehension—it must be evident to any one

* Lord Minto

possessing even the most ordinary capacity—that the refusal is given because those questions, if answered at all, must be answered in the wrong way, and not so as to vindicate or to save the Government from the impending charge. This being perfectly evident, I assume, *first*, that some such Instructions as I have referred to, have been issued; *secondly*, that no warning has been given to foreign powers (but if it has been given, it will appear in the Papers for which I am about to move); and, *lastly*, that no opinion of any law authority whatever can be cited to maintain this fundamental alteration in the most sacred principles of the Law of Nations.

But, indeed, as to the existence of the illegal Instructions, the noble Earl at the head of the Admiralty seemed pretty significantly to admit it, t'other day, when he first avowed that he should feel bound to give such orders if the case arose, and next complained of some breach of confidence having brought his Instructions within my noble and learned friend's knowledge.

Now, in the argument which I am about to raise, I will first assume that we are at war; I will take it for granted that we stand in the posture of belligerents; that we are parties to a conflict; that we not only take part with one side, but are at war with the other; and that, therefore, we are justified in claiming and exercising all belligerent rights. I will then demonstrate that we have no belligerent rights whatever in this case.

First, then, I ask whether the right which we have exercised is or is not of that description; namely, one of the rights possessed by a Belligerent? The case is very simple; it lies within the narrowest compass. If there be one principle in the Law of

Nations better established than another, it is this, namely, that no belligerent can blockade the Coast or Port of another belligerent for the purpose of preventing the free ingress and egress of all neutral nations to and from such port or coast, unless that belligerent has a force stationed on the coast or near the port, amply sufficient to prevent the entrance and exit of neutral vessels—a force perfectly and constantly efficient—a force both continued in point of space and of time—so that the chain of blockading or watching ships shall at no part be broken, and at no time be withdrawn, and thus, no room shall be allowed in any way to escape the blockade, but care shall, every where and every moment, be taken to make it quite unsafe for any vessel to go in or come out of the port—to approach or leave the coast so blockaded. That undoubtedly is the law. But, perhaps I shall be told that our famous Orders in Council proceeded on a different principle—that they constituted merely a fictitious, or what is called a paper, blockade. The answer is, that the necessity of self-defence against Bonaparte's illegal blockade was the only justification ever alleged for those Orders, and that the principle of paper blockade never was asserted by us in any other way. France placed this country in a state of blockade by her Berlin and Milan Decrees; and the Orders in Council which followed were always held by Sir William Scott to be merely retaliatory measures, and to be justifiable in no other light whatever. On the subject of blockade, I beg to cite the opinion of this most learned and experienced Judge in the year 1814, delivered in the case of the Rathbone, and to be found in the sixth volume of Sir Christopher Robinson's Admiralty Reports,—long after all these questions had

become of familiar acquaintance by repeated occurrence. Sir William Scott distinctly said, "It is illegal and no blockade, unless the belligerent has the means of drawing an arch round the mouth of the Port and effectually securing it." Now, why (it will be said) should such a master of diction as well as of the Law talk about "drawing an arch," and not say "drawing a circle" round the Port? That is explained by what immediately follows, because he adds, "if any one point of that arch fail, if the prevention be not perfect and complete, the whole blockade is gone, it all crumbles to pieces." It is also, he adds, necessary, to perfect a blockade, that there should be not only an efficient force, but that there should be, in point of time, a continuance of the force in the neighbourhood of the place blockaded.

Now, such being the law on the point, and such the limitation of the belligerent right to blockade any station, I will ask, how we bring ourselves within the principle,—how we have this right,—admitting us to be belligerents? Had we any thing like the arch marked out? Had we any chain or line of ships on the coast of Spain? Nothing of the kind. The pretended blockade, that is, the operation of the Order, extends from the Pyrenees to the Gut of Gibraltar. The Instructions direct the stoppage of vessels laden with warlike stores on the coast of Valencia, and Murcia, and Grenada, as well as of Catalonia and Biscay. Have we a force afloat in those seas sufficient to maintain such a blockade as that? I apprehend no man will contend we have. If, therefore, we even were belligerents, and clothed with all belligerent rights, according to the doctrine laid down by Sir William Scott the thing we have done is illegal.

I need hardly give any precedents on this point. But there is one so remarkable as to merit attention. Soon after the Revolution, namely, in the year 1689, when this country was in alliance with Holland and at war with France, we entered into a Treaty with that power, by which it was agreed that all vessels carrying stores to any of the French ports, should be seized by British or Dutch cruizers, as the case might be, and made prize of. For some years this was acted upon; but on the 17th of March 1693, two northern Powers, and not of any great consideration,* entered into a counter-treaty, protesting against the course adopted by Great Britain and Holland, and binding themselves to take efficient steps for their mutual protection. Vattel cites this case in illustration of the law; and other great authorities on the Law of Nations join with him in approving the conduct of the two neutrals. What was the consequence? Why, the protest of those powers produced the desired effect. Great Britain and Holland yielded at once to the representations made to them; withdrew their notice; and even made reparation to the injured states for the infraction of their mutual rights.

Now it is to be observed, that we were then clearly and incontestably at war with France; Holland was at war with France; and of course every right appertaining to a belligerent Power then belonged to both England and the United Provinces. Yet even in that posture of affairs, we distinctly admitted that in resorting to such a measure of belligerent right we had done wrong.

But how are we situated in the present case? We were no belligerents at all, and therefore, had not

* Denmark and Sweden.

even the shadow of the shade of a title to adopt this proceeding. Was it ever before known or heard of, that because a State wished well to one of two hostile parties, or even was in alliance with that party but not at war with the other, it was therefore authorised to issue an Order forbidding, under pain of capture, all Neutral Powers from entering the ports of one of the two belligerents in the country where the war raged? I venture to say, that, since the Law of Nations was first established amongst civilised men—amongst whom alone it is known—since that law first received a name—such a monstrous, such a preposterous pretension, was never before heard of.

Having a treaty with one of two belligerents, or assisting it with money, or stores, ay, or even with men, does not make us at war with the other; else the Swiss Cantons would have lived in perpetual war, instead of being for centuries notoriously at peace with all the world, and having their systematic neutrality respected by every nation, although some had always treaties with them for the hire of their troops. But the position which I have stated is recognised by every writer on public Law, and needs not a word for its defence.

My Lords—This is not a light or a little matter. The noble Earl * assumed a tone of much indignation, I find from a report of what passed t'other day, in which he is represented to have said, that "he should like to know from my noble and learned friend, whether he had his information from any officer in the service, because if so, a great breach of confidence had been committed." I certainly do not comprehend, and I doubt whether the noble Earl himself

* The Earl of Minto.

very distinctly comprehends, what all this bluster meant. I am at a loss to understand the nature of those Instructions, which are so very confidential, and yet must be executed by hundreds of sailors and marines against all neutral crews. I wish to Heaven the Order had been of a private and confidential nature—as private and confidential as the Oxford and Cambridge libels, which were mentioned last night to have been found in the repositories of the author, and never published or communicated. This Order ought to have been so confidential as never to have left the desk—a profound secret between the noble Earl and himself; such a misshapen abortion never should have seen the light.

But it is something new to hear of confidential Instructions, not secret Orders sealed up and addressed to the Captain of a Frigate, only to be opened when he arrives at a certain degree of longitude and latitude; but Instructions to be acted on immediately they are received. Why, the moment the order is notified to the captain of a frigate with 500 or 600 men on board, it probably becomes a matter of notoriety to every one of them, as all of them are to carry it into execution; but it becomes, at all events, a matter of public notoriety the instant an attempt is made to enforce the Order by warning neutral vessels. Did the noble Earl suppose all the Sardinian crews were to keep his profound secret?

But why, I wish to know (for I must needs assume the fact, after this censure upon the captains who are said to have told the story), why were these confidential Orders kept back from the Neutral Powers against whom they were levelled? Why were not the Sardinians, why were not the Dutch, made acquainted with these Instructions? Why was that

knowledge withheld from them who had the undoubted right first of all to receive notice? Even had we been at war with Don Carlos and clothed with every belligerent right, instead of being mere lawless interlopers, it was our bounden duty to give all neutrals full notice of the resolution to forbid their communication with that Prince. This duty is never neglected, even *flagrante bello*, and for most obvious reasons. The neutrals are, in consequence of their ignorance, induced to freight vessels with stores; for no human imagination could possibly foresee that Instructions of such a description would come from any mortal being that ever presided over an Admiralty, or occupied a seat at a Board. In this unavoidable ignorance Neutral Powers are induced to load their vessels with stores; they fare forth from their ports; they cross the seas only to reap disappointment when they approach their destination and discover the incredible fact that England, though no belligerent, has blockaded the Spanish coast. I should like to know how we would have relished a similar proceeding on the part of Holland or Piedmont. We send arms and ammunition to Spain for the use of the Queen—what should we have said if a Sardinian or a Dutch cruizer had warned our frigates off the coast, because the Courts of Turin or the Hague had become wellwishers of Don Carlos, and resolved to let no one help his adversary and his niece? I don't apprehend any frigate of ours would have sailed quietly back to reland her cargo at the Tower. I must express my satisfaction that no accident should have happened in consequence of this unheard-of proceeding, during the last two years. It is a good fortune we had little right to expect. But nevertheless, those Instructions are an aggression

upon neutral rights, and a manifest violation of the Law of Nations; and they put in jeopardy the peace both of this country and of Europe.

These are the reasons, thus shortly stated, which made it quite impossible that I should hold my peace and not ask any question. These are the reasons which make me deeply lament that the questions I have ventured to ask should have been so unsatisfactorily answered. For these reasons, I greatly rejoice that we have had an opportunity of arresting the course of Government in this unlawful direction, when otherwise it might be too late to interfere, except for the sake of example and punishment. But, also, these are the reasons which make me apprehensive that mischief may still be wrought, unless the illegal Instructions are revoked without any delay.

I will suppose a case—we cannot tell into what ramifications the treaties among the Italian and German States may have carried their various connexions—we cannot answer for what conventions may now bind other Powers, though we know what obligations bind ourselves. The states who formed the Quadruple Alliance, to which I myself was a party, never dreamt of any thing in the slightest degree resembling an interference with neutral nations or their rights. So far from it, that one of the powers, the King of the French, was bound by the Treaty to prevent any arms, or ammunition, or other assistance being furnished to Don Carlos from the French territory, which, of course, he had a perfect right to do; but not a word was said about stopping any Neutral Powers from lending their assistance to the Spanish Prince.

But I will just put this case. It is a well-known

fact that certain Powers who were not parties to the Quadruple Alliance viewed its arrangements with an evil eye. Now, I never yet saw an instance of a treaty being concluded by some states, and jealously eyed by others, that it did not give rise to different treaties among those others. Nations, like individuals, act in the spirit of Mr Burke's famous aphorism,—"When bad men combine, good men must associate." The Powers who did not unite with us in forming the Quadripartite Alliance naturally enough looked upon it as a combination for bad purposes, because it was for purposes which they disapproved; and they said, "When these four are combining for their wrongful ends, we must associate for our own legitimate objects." Hence I argue, that it is eminently probable some treaties may have arisen out of the Quadripartite Alliance. I will suppose Sardinia to be party to some such treaty. She is a weak state, and we do not care how we treat her;—but no, I will not suppose that this can make any difference in our conduct; for I well remember that when I urged my noble friend* to put down the horrid slave-trade carried on by Portugal, a state under our entire control, he met my application by saying,—"Oh! Portugal is so very weak that although we could immediately stop her slave-trade with a single word, yet nothing could be more indelicate than such an interference; if it had been France, or Russia, or Prussia, or Austria, then you should have seen how differently I would have behaved"—reminding me very strongly of an answer made by a great Bourbon monarch, fond of the chase, but not endued with the boldness here-

* Lord Glenelg.

ditary in his illustrious house, who being observed, while shooting, to change colour and run away from something, when told that it was only a dog or pig that had jumped through the hedge, exclaimed with much energy, "Oh yes! I know it was; but if it had been a lion, then you would have seen what a reception I should have given him." Just so Her Majesty's Government could not think of coercing a poor little thing like Portugal, but if it had been France or Austria, then, indeed, we should have seen what they would have done to put down the slave traffic. Therefore I have no right to assume that the circumstance of Sardinia being a weak power can have made the least difference; but I will suppose that Sardinia may have put herself under the protection of her powerful neighbour, Austria. What if a Defensive Alliance subsists between Austria and Sardinia? What if such a treaty of mutual defence actually exists? What if it be now acted on? What if I have some reason to believe this untoward circumstance? What if I know it for a fact to be true? There *is* a Defensive Alliance between Austria and Sardinia; there *is* a treaty which binds Austria to make common cause with Sardinia whenever she is involved in war,—to take her part whoever attacks her. If it be said that this treaty has been made since those Instructions were issued, I answer that their production will at once put a stop to any surmise about the date; but I believe it was some time before the Instructions.

I must add that, according to the Law of Nations, Austria is perfectly justified in forming a Defensive Alliance with Sardinia, and, if she pleases, in keeping it a secret. An Offensive Alliance is a perfectly different thing. An Offensive Alliance is an aggression

in itself; it contemplates hostilities; it prepares for them; it leads to war; and it is therefore abhorred, and justly abhorred, by the Law of Nations. But Defensive alliances are the objects of peculiar favour with that law; they throw the shield of the strong over the weak; they make aggression more dangerous, and war less likely. A Defensive Alliance does not lead to the great national felony of war—the great crime, of all crimes the worst, because it involves all other offences in its accursed nature. Treaties for defence are virtuous in their origin, founded in the sacred right of self-defence—they are salutary in their operation, combining the strong for the protection of the weak, or uniting together in successful resistance to violence those who singly must have been overpowered—they are beneficent in their tendency, warding off the perils of war by augmenting the danger of aggression—they are holy in their consummation, substituting the dominion of right and law for that of force and might, and securing to nations that most blessed of all possessions, lasting peace. They are auxiliary to the very end and aim of all public law, the discouragement of violence and the establishment of legal authority. They are the especial favourites of the law, which they fortify and extend. They work out the prime object of the law, to maintain the tranquillity of the world. But if no one has a right to complain of such treaties being made, so no one has a right to murmur at their being kept secret. The wrong-doer, the aggressor, the public felon alone, against whom they are pointed, has any reason to dislike them; and for his disapproval, who cares? He alone whose wicked machinations they tend to frustrate needs be troubled by being kept in ignorance of the defensive precautions secretly taken

against him, to repel his violence, or to discomfit his craft. Whoever has no designs against the public peace, has no reason to complain of a Secret Treaty of Defence, which is only to be acted upon when he shall commit a crime. Whoever finds himself thwarted by such a treaty may naturally enough be vexed to find that he has antagonists whom he had not been prepared for; but we are no more bound to regard his complaints, than they who associate against felons of any other class have to be alarmed at giving umbrage to the more vulgar but less mischievous violators of the law.

My firm belief is, that those illegal Instructions have exposed us to the imminent hazard of a war with Austria, and have not only brought into contempt the honour and justice of this country, but put in jeopardy the peace of Europe and the World. I cannot conceive that any consideration will prevent your Lordships from calling for the production of them. Their existence is not denied; it is your bounden duty to see that they do not bring upon us the mischiefs with which so criminal an act is pregnant. I move you that an humble address be presented to her Majesty, praying, "That she would graciously be pleased to cause the Instructions given to her Majesty's cruizers on the Spanish Coast, respecting neutral vessels carrying warlike stores, to be laid before this House, with any notification of such Instructions which may have been made to neutral powers."

In meeting this Motion the Ministers pursued different, indeed opposite, courses. Lord Melbourne at first said nothing, except that no ground was laid for the motion, and that producing papers was always inconvenient, and might be detrimental, in some cases, to the public service. Lord Lansdowne dwelt on the like topics. Lord Minto, however, said that the treaty bound us to give such Instructions, because it bound us to aid the Spanish Queen with a naval force, if necessary. His Lordship further renewed his complaints against the officers who must have given information of these Instructions, and dwelt at much length on the subject of professional honour and duty. He, however, added that the issuing of the Orders was not admitted; yet he assumed that their being merely issued had proved sufficient, and had accomplished the end in view without any necessity for putting them in force. The Duke of Wellington strongly condemned this construction of the treaty, and supported the motion. Lord Ripon ably and strenuously contended against the proceeding and for the production of the Papers. Lord Aberdeen took the same line, and most powerfully and elaborately argued the whole question, clearly demonstrating that the treaty had not the most remote reference to any such proceeding. Lord Carnarvon also delivered an able and impressive speech on the same side, and dwelt at length upon the nature of the Spanish contest. Lord Melbourne then, a second time, addressed the House, and avowed an entire dissent from Lord Minto's construction of the Treaty, holding that it in no wise bound us to any such pro-

ceeding, and that we had no right to blockade, or, it should seem, to interrupt the neutral navigation on the coasts of Spain. He repeated his complaint of the motion being inconvenient, but could not quite say, in answer to the Duke of Wellington's call, that complying with it would be detrimental to the public service. Lord Brougham, in reply, observed that this disclaimer was good for nothing as long as the Instructions remained; that to talk of no ground being laid for the motion was absurd after what Lord Minto had said, both on the former and on the present occasion; that the Treaty which bound us to give aid with our ships if needful, no more bound us to do an illegal act in aid of the Spanish Queen, than a contract to deliver a horse bound the party to steal one and then deliver it; that the Government had no right to complain of any one for breach of confidence, seeing they themselves took credit for having attained the end in view, by merely issuing the Order, which end they manifestly never could have attained without notifying that Order to neutrals; and that as for the attempt now made to throw doubt upon the fact of the Order having been issued, it was ridiculous after the complaint of breach of confidence, and duty, and honour,—it was as if a man were asked, "Did you steal the watch and sell it to John-a-Nokes?"—and were to answer,—"I won't tell you that, but I never will forgive John-a-Nokes, who has broken his promise to keep my secret;"—that the anger of the Ministers at the unparalleled position in which they were placed, should be directed towards their own colleague, for they were vexed not at having done wrong, but at having been found out, and it was he who had confessed; that the production of the Order

was further necessary to show whether another kind of illegality had not also been committed, namely, an order signed by the first Lord of the Admiralty, without the signature of any other Lords, and the counter-signature of the Secretary—which would make a Bill of Indemnity necessary.

Just before the Division, the Duke of Wellington, to whom the Government had been looking for protection, said, that as Lord Minto's interpretation of the Treaty had been so distinctly given up by Lord Melbourne, he should not support the Motion, and should strongly advise his friends to take the same course. Lord Brougham appealed to the Opposition, whether there was the least intelligible ground for this sudden change of conduct, and strongly recommended to them the support of his motion, how candid and kindly soever the noble Duke's proceedings in behalf of the Government might be. Lord Mansfield, with every possible respect for the Duke of Wellington, took the same course, deeming the preservation of peace, and the maintenance of the Law of Nations to require the granting of this Motion. Lord Ellenborough expressed himself shortly, but strongly, to the same effect. Lord Harewood said that he should withhold his support from the Motion, if the Government would undertake to recall the Instructions, or to see that they were not acted upon. No answer was made to this offer; the division took place, and the numbers were equal—being 57 for, and as many against the Motion; so that, by the rule of the House of Lords, *præsumitur pro negante*, it was lost. The Duke of Wellington and ten or twelve other Peers had left the House. But it is evident that the illegal Instructions, in defence of

which no one said a single word, or, rather, which were universally admitted to be indefensible on any ground of Public Law, are as much a dead letter as if they never had been issued, or were recalled.

END OF VOLUME THIRD.

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